

Written Testimony
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Mr. Chairman, Mr. Enzi, and Members of the Committee, thank you for providing me with the opportunity to testify before you this morning.

Introduction

Others on this panel will talk with you today about the pressing need to dramatically increase the effectiveness of America's teaching force. I could not agree more. For the record, though, I want to emphasize that much more is at stake than simply meeting the goals and timelines of No Child Left Behind. Literally, mountains of research now tell us that our efforts to maintain world leadership in any number of spheres are fundamentally dependent on whether or not we have the courage to confront the issue of teacher effectiveness and to do what it takes to provide every student with quality teaching in every subject, every year.

As pressing as the overall teacher effectiveness issues are, however, my job this morning isn't to talk with you about the general problem, but rather about the very specific problem of teacher effectiveness in our high-poverty schools. For the sorry fact is that the American system of education is rigged to all but ensure that low-income children—the very children who need the most effective teachers to help them achieve their potential and catch up with their peers— don't get the teachers they need.

Certainly, there are some literally spectacular teachers teaching in our highest poverty schools. And their results serve as proof of how very big a difference strong teachers can make for even the poorest of children.

But these exceptional teachers are exactly that—exceptions. They willfully swim against the powerful, systemic tide that relentlessly sweeps our best teachers away from the kids who need them the most. Too often, they have to sacrifice pay and professional status to work in the most challenging schools instead of working at better equipped schools with children who are sometimes easier to teach.

Our task as a country must be to match their private commitment with a public commitment: to turn that tide and create systems, supports, and conditions that

will attract a significant proportion of our very best teachers to work with and for the children who need them the most.

In passing No Child Left Behind, Congress made an historic and critical attempt to address this very need. Despite the sincere efforts of many on this Committee, however, I think it is quite clear to all of us that the law has not been a sufficiently powerful tool in creating greater equity in teacher distribution. Some of the failure is due to flaws in the statute itself, some is due to utterly inadequate implementation efforts by the Department of Education, and some is due to massive resistance to equity from powerful adult stakeholders.

I urge you to use the opportunity that this reauthorization offers to fix the flaws in the law, to add more power to the teacher equity provisions, and to send a clear signal that this Congress will not stand by while the life chances of millions of children are diminished by teacher distribution systems that are fundamentally unjust and absolutely within our power to change.

Good Teachers Make an Enormous Difference...

While our inequitable patterns of teacher distribution are absolutely changeable, they are also deeply ingrained. Changing them will rile up all kinds of stakeholders and, accordingly, demand creativity and unflagging effort on your part.

This is tough stuff and not for the faint of heart. Accordingly, those of us who ask you to take up this challenge owe you evidence that all the hard work will make a difference.

Fortunately, the research evidence is overwhelming. In just the last five years alone, researchers all around the country have provided strong evidence from a wide range of communities that there is, indeed, a payoff in providing low-income students with great teachers. And it's a very big one:

- Researchers in Texas concluded in a 2002 study that teachers have such a major impact on student learning that "...having a high quality teacher throughout elementary school can substantially offset or even eliminate the disadvantage of low socio-economic background."¹
- A recent analysis of Los Angeles data concluded that "having a top-quartile teacher rather than a bottom-quartile teacher four years in a row would be enough to close the black-white test score gap."²

¹ Rivkin, S. G., Hanushek, E. A., & Kain, J.F. (2002). *Teachers, Schools, and Academic Achievement*, University of Texas-Dallas Texas Schools Project.

² Gordon, R., Kane, T.J., & Staiger, D. O. (2006). *Identifying Effective teachers Using Performance on the Job*. Washington, D.C.: The Brookings Institution.

- A second study in Texas showed that the teacher's influence on student achievement gain scores is *20 times greater* than any other variable, including class size and student poverty.³

...But the Students Who Most Need Good Teachers Don't Get Them

Despite these and other studies that document the tremendous power that great teachers have to help students overcome the burdens of poverty and racism, we persist in providing those who need the most from their teachers with the teachers who have the very least to offer them.

- Nationally, fully 86 percent of math and science teachers in the nation's highest minority schools are teaching out of field.⁴
- Students of color and low-income students are also twice as likely as White and affluent students to be assigned to inexperienced teachers.
- In Texas high schools with the most African-American students, ninth grade English and Algebra courses—key gatekeepers for high school and college success—are twice as likely to be taught by uncertified teachers as are the same courses in the high schools with the fewest African-American students. Similarly, in the state's highest poverty high schools, students are almost twice as likely to be assigned to a beginning teacher as their peers in the lowest poverty high schools.⁵
- And let's not just pick on Texas: Researchers reported recently that advantaged fifth grade students in North Carolina were substantially more likely than other students to be matched with highly qualified teachers.⁶ Across the state, African-American seventh graders were 54 percent more likely to face a novice teacher in math and 38 percent more likely to have one for English, with the odds even greater in some of North Carolina's large urban districts.⁷
- In Tennessee, one of few states to have a "value-added" metric of teacher effectiveness, the Department of Education has been tracking which

³ As cited by Fallon, D. (2003). *Case Study of A Paradigm Shift (The Value of Focusing on Instruction)*. Education Research Summit: Establishing Linkages, University of North Carolina.

⁴ Jerald, C. (2002). *All Talk, No Action: Putting an End to Out-of-Field Teaching*. The Education Trust. Available: www.edtrust.org.

⁵ Fuller, E. (2004). Unpublished data. University of Texas at Austin.

⁶ Clotfelter, C. T., Ladd, H. F., & Vigdor, J. L. (2006). Teacher-student matching and the assessment of teacher effectiveness. *Journal of Human Resources*, 41(4), 778-820.

⁷ Clotfelter, C. T., Ladd, H. F., & Vigdor, J. L. (2005). Who teaches whom? Race and the distribution of novice teachers. *Economics of Education Review*, 24, 377-392.

students are taught by the high, average and below-average teachers. Poor and minority students are getting the worst when it comes to teachers' effectiveness. There, the "least effective" teachers in high-poverty, high-minority schools are even less effective than the "least effective" teachers in low-poverty, low-minority schools.⁸

- Education leaders in Florida also found inequitable patterns in the distribution of teachers in Florida, with schools receiving "F's" in the state accountability system much more likely than other schools to have concentrations of teachers whose student growth rates put them in the bottom 5 percent of the state.
- Recent research conducted by the Education Trust and stakeholders in Wisconsin, Ohio, and Illinois found similar inequitable distribution problems.⁹ In Illinois, for example, 84 percent of the schools with the most low-income students were in the bottom quartile in teacher quality, with more than half in the very bottom 10 percent of teacher quality. Among low-poverty schools, only 5 percent were in the bottom quartile of teacher quality.¹⁰
- In 2000, teachers in the highest poverty schools in New York City were almost twice as likely (28 percent) to be in their first or second year of teaching compared to teachers in the lowest poverty schools (15 percent). Similarly, more than one in four (26 percent) students of color was taught by teachers who had failed the general knowledge certification exam compared to only 16 percent of white students.¹¹

The Effects of these Unjust Distribution Patterns on Achievement is Dramatic and Devastating.

- In high-poverty, high-minority high schools in Illinois with above average teacher quality, students were almost nine times as likely to demonstrate college-ready academic skills as their counterparts in schools with lower teacher quality. Indeed, students who completed mathematics through Calculus in schools with the lowest teacher quality were less likely to be

⁸ Tennessee Department of Education. March 2007. *Tennessee's Most Effective Teachers: Are They Assigned to the Students who Need Them the Most?*. Research Brief.

⁹ Peske, H. & Haycock, K. (2006). *Teaching Inequality: How Poor and Minority Students are Shortchanged on Teacher Quality*. The Education Trust. Available: www.edtrust.org

¹⁰ Presley, J., White, B., & Gong, Y. (2005). *Examining the Distribution and Impact of Teacher Quality in Illinois*. Illinois Education Research Council. Policy Research Report: IERC 2005-2. Available: <http://ierc.siu.edu>.

¹¹ Loeb, S., & Miller, L.C. (2006). *A Federal Foray into Teacher Certification: Assessing the "Highly Qualified Teacher" Provision of NCLB*. Available: http://devweb.tc.columbia.edu/manager/symposium/Files/98_LoebMiller_%20Nov%201.pdf

college ready than their counterparts who completed mathematics only through Algebra II in schools with medium teacher quality.¹²

- Research in Tennessee shows that teacher effects accumulate. Students who start the third grade at roughly equal achievement levels are separated by roughly 50 percentile points three years later based solely on differences in the effectiveness of teachers to whom they were assigned. Students performing in the mid-fiftieth percentiles assigned to three bottom quintile teachers in a row actually *lost* academic ground over this period, falling to the mid-twentieth percentiles.¹³
- What about students start off low-achieving, as do so many low-income students? Researchers from the Dallas public school district concluded: “A sequence of ineffective teachers with a student already low-achieving is educationally deadly.”¹⁴

NCLB: An Attempt to Change the Patterns

Many of these effects were already clear when Congress passed NCLB. Common sense alone made it obvious that achievement gaps couldn't be closed without addressing gaps in teacher quality. Accordingly, there was strong bipartisan consensus on the need to focus the attention of state and local education leaders on assuring teacher quality and turning around unfair and damaging teacher distribution patterns.

The teacher-related provisions in No Child Left Behind embody three basic principles:

1. That all students are entitled to qualified teachers who know their subject(s) and how to teach them;
2. That parents deserve information on their children's teachers; and,
3. That states, school districts, and the national government have a responsibility to ensure a fair distribution of teacher talent.

To accomplish these goals, Congress increased funding for teacher quality initiatives by 50 percent, from \$2 billion to \$3 billion per year—on top of significant increases in Title I, which can also be used to improve teacher quality. These new dollars were targeted to high-poverty school districts, and local leaders were given nearly unfettered discretion to spend the money in ways that were tailored to local circumstances.

¹² Presley, J. B., & Gong, Y. (2005). *The Demographics and Academics of College Readiness in Illinois*. Illinois Education Research Council. Policy Research Report: IERC 2005-3. Available: <http://ierc.siue.edu/documents/College%20Readiness%20-%202005-3.pdf>

¹³ Sanders, W., & Rivers, J. (1996). *Cumulative and Residual Effects of Teachers on Future Academic Achievement*. Technical Report, University of Tennessee Value-Added Research and Assessment Center.

¹⁴ Presley, J. & Gong, Y. (2005).

Most observers, I suspect, will agree that the law has focused unprecedented attention on issues of teacher quality and distribution. But most will also agree that these historic provisions have not had their full and intended impact.

Some of that is probably attributable to the sad fact that change in education always takes much longer than anybody thinks it should. But some of the problem can be traced to three sources:

- Poor quality implementation by the US Department of Education;
- Massive resistance by some powerful adult stakeholders; and,
- Limits of the statute itself.

Flawed Implementation by the Department of Education

The teacher quality provisions of NCLB were supposed to stimulate states to revisit the question of whether they had appropriate definitions of teacher quality in place and whether there was an adequate supply of teachers in all subjects and for all students. The intention was to introduce a new bargain: if a school persistently had a problem recruiting and retaining enough qualified teachers, then the district and the state had a problem, too.

Unfortunately, for the first four years after NCLB was enacted, the US Department of Education refused to exert any leadership in this arena. Though there were early signs that states were abusing the broad discretion granted to them in defining what constitutes a “highly qualified” teacher, the Department repeatedly failed to issue guidance. And when it finally did, the guidance was inconsistent and confusing.

Consider the seemingly straightforward issue of the application of the law to “new” and “not new” teachers. The law mandates that “new” elementary teachers demonstrate their knowledge of the subjects they teach by passing a test of content knowledge and teaching skills. Teachers who were “not new” to the profession were allowed to either pass a test or complete a state-developed HOUSSE process.

The clear intent of the law was to apply one set of rules to teachers who were hired after the passage of NCLB, and to reserve more flexible HOUSSE provisions for veteran teachers who had joined the profession before the law was adopted.

Unfortunately, the Department never issued guidance or regulations to clarify this definition. The consequence is that some states hire non-highly qualified teachers and then declare them to be “not new” to the profession under the highly qualified definition after a year of teaching. These teachers are then permitted to demonstrate content knowledge under the less rigorous HOUSSE

process that was designed for teachers who were in the profession prior to NCLB, rather than demonstrating their subject knowledge by passing a test or taking additional coursework. The Department's neglect has allowed states to ignore altogether the requirement that new teachers demonstrate they know their content.

Only recently, in the spring of 2006, did the Department actually begin to actively monitor the implementation of the teacher provisions. And, despite Congress' explicit command to focus on equality of opportunity, it was only in the past year that the Department even mentioned the teacher equity provisions, which extend well beyond the distribution of "highly qualified" teachers. For a full four years, many states simply had no idea that these provisions existed, let alone that they were responsible for developing a plan to ensure that low-income and minority children were not disproportionately taught by unqualified, inexperienced, or out-of-field teachers.

Implementation of Title II also represents lost opportunity on a grand scale. Congress recognized that certain schools would need extra resources to raise teacher quality—either through additional supports for current teachers or incentives to attract higher caliber faculty. So Congress created Title II, which has provided almost \$3 billion per year since NCLB was enacted—close to \$15 billion thus far—that was supposed to help states and districts to ensure students in high-poverty schools got their fair share of the best teachers and that teachers who didn't meet state quality requirements had the help they would need to meet those requirements.

Instead, according to GAO, the money mostly has been used for generic programs that weren't targeted to the teachers or schools that need the most help. The U.S. Department of Education has issued no regulations, offered virtually no guidance, and conducted scant monitoring in how this money has been spent. As a consequence, instead of representing much-needed support for hard-to-staff schools and the teachers in them, Title II money often has been used as state and district slush funds.

Widespread Resistance to the Spirit of the Law

NCLB granted states broad discretion in the area of teacher quality. Instead of using this latitude to innovate different approaches to the issue, far too many states took advantage of the USDOE's lax oversight and completely undermined the spirit and substance of the law.

Two years after the law was enacted, Education Trust staff examined state compliance with the teacher quality provisions. We found that many states had abused their discretion, papering over problems and making it seem as though all students had fully "highly qualified" teachers, when in fact many students continued to be taught by teachers with substandard preparation.

Take Wisconsin, for example, which had never had content knowledge tests as part of its licensure/certification. Instead of trying to determine which teachers needed to take a test or some coursework in their teaching area, Wisconsin simply declared that any teacher who graduated from an accredited teacher preparation program had demonstrated content knowledge in whatever subject(s) they were assigned to teach – regardless of whether their degree or coursework was related to their teaching assignment. Wisconsin officials openly flouted NCLB, claiming that they were keeping internal records on teachers who weren't fully qualified and had created the watered-down definition merely for reporting compliance with federal law.

California offers another example. The state lowered the bar for the “highly qualified” definition so far that requirements were virtually indistinguishable from the requirements for an emergency permit. Worse still, while California’s emergency permit required teachers to be enrolled in credentialing programs, the “highly qualified” definition did not. Pretending that virtually all teachers were “highly qualified” allowed California to obscure well documented inequities in access to genuinely qualified teachers. It took Congressman George Miller’s direct involvement, as well as a court order, to get California to revisit its definition. In many states, however, this kind of gaming has gone unchallenged.

These are not isolated examples: many states have resisted fully acknowledging their teacher quality problems. By deeming virtually every teacher highly qualified, these states have not only made raising teacher quality under the law all but impossible, they also blunted efforts to more fairly distribute teacher talent. Why? Because if virtually every teacher is highly qualified, the distribution problem vanishes into thin air.

In taking actions like these, states have snubbed their noses at Congressional intent, blunted the impact of the law, and cheated their children out of the opportunity for academic success. Sadly, they’ve also cheated their own teachers out of the help that they deserve to improve their effectiveness. Congress should use this reauthorization to set things right.

Limits of the Statute itself

In crafting NCLB, Congress rightly recognized that the term “Highly Qualified Teacher” needed to be defined before the businesses of distributing such teachers more fairly could be taken up effectively. Most of the details of such definitions were left to the states. But Congress did set parameters for state definitions, as well as identify certain teacher characteristics that it would monitor in its efforts to assure a fair distribution of teacher talent.

Limits of the research on teacher quality and effectiveness at the time the law was crafted forced members of Congress to rely on proxies of teacher quality

(e.g. degree in field, state certification, novice status) rather than real indicators of teacher effectiveness. These proxies can tell us a lot about *broad patterns of distribution*, and there is no excuse for not acting on that information now.

But proxy measures are far less helpful in evaluating the quality of an *individual teacher* or the impact that she has on her students. Among other things, definitions based on proxies for effectiveness don't allow education leaders to account for terrific new teachers or, for that matter, burned-out veterans. As Congress moves toward reauthorization, you'll want to act on the core suggestion of the latest research: that, rather than looking just at qualifications, you incorporate measures of teachers' actual impact on student achievement.

The use of proxy measures, however, is not the only problem in the statute itself. It turns out that an even bigger problem is bound up in congressional willingness to let the demands of adults too often trump the needs of students. Two examples will help illustrate what I mean.

The HOUSSE Provisions

The first of these surround the law's "High Objective Uniform State Standard of Evaluation" (HOUSSE) provisions. As members of this committee know, the HOUSSE provisions were included in the law to address concerns that teacher unions and others had about veteran teachers who did not possess proper credentials or "paper proxies" required to meet the definition of a "highly qualified teacher." The concern was that such teachers would be unduly burdened by a requirement to obtain them.

But the loophole created by these provisions turns out to be so large that it significantly undercuts the law's power to provoke change. Through broad (and unimagined use) of these provisions, states have been able to obscure the fact that many veteran teachers, especially in science and mathematics, lacked adequate content knowledge. In most states, almost every teacher has been deemed highly qualified and the status quo has been defined as satisfactory even though substantive challenges remain unaddressed.

Comparability Provisions

Title I is premised on the fiction that local school districts provide "comparable" opportunities in Title I schools before the application of federal funds, so that the federal money can be used to provide additional time and support for low-income students. But the truth is that local budgets consistently shortchange high-poverty schools, and Title I schools often get less money than schools with more affluent students in the very same school districts. This has to do with arcane budgeting rules that ignore differences in teacher salary across schools. Schools that are stacked with the most senior, high-paid teachers don't offset this expense elsewhere in their budget, and schools with novice teachers don't get extra

money even though their spending on teacher salaries is much lower than other schools.

Federal law actually provides cover for these unfair budgeting practices in its comparability provisions. Indeed, NCLB includes a provision stating that if a school district has a single-salary schedule for teachers, which virtually every district does, then it has demonstrated compliance with the comparability requirement. This is a hold-over from another era, before research had documented so clearly the devastating impact of lower teacher quality in high-poverty and high-minority schools. The current comparability provisions work to perpetuate disparate and lower-quality educational opportunities in high-poverty and high-minority schools.

Recommendations

Ensure Data Systems for Evaluating Progress on Teacher Quality

A major impediment to meaningful improvement efforts is the lack, in most states, of data systems that are capable of analyzing teacher effectiveness and tracking the distribution of qualified and effective teachers. Indeed, when USDOE finally asked states to comply with teacher equity provisions in summer 2006, most states were unable to report even the most basic information on whether poor and minority students were taught disproportionately by inexperienced and unqualified teachers.

Better data systems and technology will allow states to identify which of their teachers are most *effective*, and learn from them. Such systems also allow administrators to better target supports to teachers who need to improve their practice. Some forward-thinking districts such as Chattanooga, Tennessee are already using information generated by such systems in just this way. Unfortunately, the small, competitive grant program Congress has established to support longitudinal student data systems has not required longitudinal data on teachers to be included.

Congress should provide dedicated funds to each state for the development and operation of education information management system and set minimal requirements for such systems. One such requirement should be that the systems have the ability to match individual teacher records to individual student records and calculate growth in student achievement over time.

There could hardly be a better moment to take this step. As states implement growth models for accountability purposes, they will need to develop more sophisticated data systems. If the federal government allows this shift in accountability, it should insist that states simultaneously link student records to their teachers. It would be a shame to evaluate schools based on student growth

but continue to ignore information on individual teachers' contributions to that growth.

Move from Measuring Teacher Qualities to Teacher Effectiveness

Research confirms that there are massive differences in the effectiveness of individual teachers, but the proxies that are currently most popular in measuring teacher quality have only limited power to predict who will be effective. To better and more fairly evaluate individual teachers, we need to move from measuring teacher *qualities* to teacher *effectiveness*.

Data on teacher effectiveness has implications for everything we do to raise teacher quality, from evaluating teacher preparation programs to ensuring that our most effective teachers are recognized and rewarded for their outstanding contributions.

Given that low-income students are more likely to be assigned to less effective teachers, Congress should be especially focused on using value-added information to ensure these students get their fair share of effective teachers. States and districts should be required to ensure that Title I schools aren't disproportionately saddled with the least effective teachers.

Close HOUSSE Loophole to Ensure New Teachers Demonstrate Content Knowledge

It is not unreasonable to require teachers to demonstrate content knowledge in the subject(s) they teach. Teachers who join the profession today understand this expectation. Yet when the HOUSSE provisions are abused, as they have been frequently, states are allowed to ignore the reality that some teachers need help to shore up their content knowledge. As a consequence, teachers who need help don't get it. When NCLB is reauthorized, the HOUSSE provision should be stripped entirely from the law.

Overhaul Title II to Focus the Federal Investment on High-Need Schools

This \$3 billion should be re-purposed to provide well designed support and meaningful incentives to raise teaching quality in the highest poverty schools – and nothing else. Some of the money should be allocated for differential pay, so that hard-to-staff, high-poverty schools can provide generous incentives for effective teachers. Another portion should be used for research-based curricula and teacher professional development in how to implement those curricula.

Amend the Title I Comparability Provisions to Include Teacher Salaries

Federal investments cannot ensure meaningful equity in public education unless state and local districts use their own resources equitably. But, by not including

teacher salaries in assessing comparability, current Title I law allows school districts to shortchange students in high poverty schools, to cover up this theft with opaque accounting practices, and in the end to redirect Title I funds away from the low-income students Congress intends to help.

Federal law should not contain loopholes that exclude teacher salaries from the determination of comparability across schools. If Congress does nothing else in this reauthorization to improve teaching and learning in Title I schools, it should amend the comparability provisions to ensure true funding equity at the district level by requiring that teacher salaries be included in the assessment of school-to-school comparability.