



August 20, 2009

The Honorable Arne Duncan
U.S. Department of Education
400 Maryland Avenue, SW.
Washington D. C. 20202

Docket ID: ED–2009–OESE–0006

Attention: ASAA Comments on the Race to the Top Guidance

Dear Secretary Duncan:

On behalf of the American Association of School Administrators, representing over 13,000 school superintendents and local education leaders, we would like to offer our comments on the Race to the Top guidance that has been issued by the Department. AASA strongly supports the four assurances that are the focus of the Race to the Top: improving the quality of teaching, improving the effective use of data, improving struggling schools and increasing the quality of standards and assessments. These are all worthy goals and something that school districts across the country have been dedicated to achieving.

In light of our strong support for the proposed outcomes of the four assurances, AASA would like to raise some questions over the regulations that focus on ambiguities within the goals and language of the guidance.

p. 3 “We encourage you to submit comments in advance of the date by which they must be received.”

AASA Response: The regulations use thirty days as the response period. Why raise the possibility that only early submissions will be read by urging early submission? Why not shorten the comment period? If later submissions are not read or are not being taken into consideration, then the administration will forfeit the future possibility of being believed when claiming that it is actively listening to public comments.

p. 5 & 6 “In addition, as required by section 14006 (c) of the ARRA States that receive a Race to the Top grant must use at least 50% of the award to provide Subgrants to local educational agencies (LEAs), including public charter schools identified as LEAs under state law, based on LEAs relative shares of funding under Part A of Title I of the Elementary and Secondary Education Act of 1965 as amended (ESEA). LEAs that choose to participate in their State’s Race

to the Top proposal must agree to fully implement the State’s proposed plan and to use their funding under this grant in support of that plan.”

AASA Response: There is a lack of clarity throughout the regulations as to which school districts will be participating in their respective state’s Race to the Top grant—all schools, only those who receive Title I, only those schools that volunteer or just some schools selected by the state? Further, the all-important allocation of dollars is unclear. Would the allocation use the Title I basic grant formula, the concentration grant formula, the targeted grant formula, the Education Finance Incentive Grant formula or a combination of all four?

P. 11 The use of student subgroups as defined under the National Assessment of Educational Progress

AASA Response: We are unsure as to why the Department is proposing to use the NAEP subgroups, as opposed to the more traditional Elementary and Secondary Education Act subgroups. The proposal adds a new subgroup—parent’s education background—requiring districts to do additional disaggregation work.

P. 12: Proposed Priority #3: Invitational Priority – Expansion and Adaptation of State-wide Data Systems

AASA Response: AASA believes that a robust, comprehensive data system is critical to making significant improvements in the outcomes of public school students. However we believe that the system contemplated in the Race to the Top guidance is not comprehensive enough. While improved instruction, higher, clearer standards, and better instructional tools including summative and formative assessments will improve achievement, addressing non-school factors that impact children’s health and well being will add even more to achievement. The work of researcher Richard Rothstein shows the relationship between a range of non-academic factors and student achievement. In this context, it would be a missed opportunity if states collected annual data only on student academic achievement, as these data represent too narrow a view of student success/failure. States should strive for a broad picture capturing as many of the multiple factors known to affect student achievement as possible. This could include: rigorous academic assessments, student progress over time, social and emotional health, health indicators such as immunization rates and vision and hearing screening, parent engagement, attendance (including early chronic absenteeism), early childhood education screening and intervention data, reading by grade 3, and participation in out-of-school time programs.

P. 13: Proposed Priority 5 – Invitational Priority – School Level Conditions for Reform and Innovation

AASA Response: AASA's 2009 legislative agenda states that schools need to be part of a comprehensive community-wide effort to educate the total child. This is very consistent with the guidelines' focus on expanded learning time and comprehensive services for high need students. Richard Rothstein makes a compelling case in his book Class and Schools that greater student achievement gains result from serving the total child than by merely improving instruction. The guidance needs to clarify that at the state and local level the goal will be to build a comprehensive picture of children's progress, academically, socially and in terms of health and well being. Building a comprehensive data system means going beyond schools to local providers of other children's services, including state and local government agencies and non-profits. Given the great cost of such systems, schools should play a 'partner' role in development, rather than that of 'banker'.

P. 15 "Second we propose that to be eligible under this program, a state must not have any legal, statutory or regulatory barriers to linking student achievement and student growth data to teachers for the purpose of teacher and principal evaluation"

AASA response: This provision dictates methods or process rather than ends or outcomes. Innovation is better fostered by a combination of clear goals and strong emphasis on the ends while having flexibility on the means or methods of accomplishing the desired ends. Given the weakness of the status of the state tests, innovation is more likely if grantees demonstrate the power and accuracy of non-test sources of information about teacher effectiveness. There is nothing in the statute that would lead one to believe that student test results **must** be used to evaluate teachers and principals to qualify for a grant under this program. An AASA member survey found that many superintendents would like to use assessment data in teacher evaluation, but in combination with other information. The absence of valid and reliable definitions of grade-level content mastery and grade-level progress creates differing types of analysis of normative test results rather than the hard result of rigorous research based on children's cognitive development or even universally accepted principles. Finally we think the research cited to support using test scores (Goldhaber, et al) may be misleading because the effect of unobservable teacher effects is still quite small in relation to social background or non school variables.

p. 18 "(c) The State must provide financial data to show whether and to what extent the percentage of the total revenue available to the State (as defined in this notice) that were used to support elementary, secondary, and higher education for FY 2009 increased, decreased, or remained the same compared to FY 2008"

AASA Response: This is the most critical tool that the Department is giving itself. With too many states using the State Fiscal Stabilization Fund to supplant their effort in education, this is

the only opportunity the Department has to police how the states are spending their dollars and whether they are meeting the intent of ARRA. While previous documents have referenced this, the regulations never mention the importance of how the states spend the monies they have been given under the SFSF. With so few opportunities to enforce the states, it seems like this will be a lost opportunity for the Department to make states accountable for using State Fiscal Stabilization Funds to help school districts save jobs and improve instruction.

p. 19 “Give priority to high need LEAs (as defined in this notice) in addition to providing 50 percent of the grant to participating LEAs based on their relative shares of funding under part A if Title I of the ESEA as required under section 14006 (c) of the ARRA.”

AASA Response: These regulations should clarify how the first 50 percent of the grant will be distributed because nothing is said about the critical dollars that would have an impact on a larger number of districts. Additionally the definition of a High Need LEAs is very clear and specific in the statute, so we would urge parenthetically alerting the reader that the definition High Need LEA will be altered (see later comments).

P.20 & 21 "(h) The state must submit a certification from the State Attorney General..."

AASA Response: As previously noted, federal statute does not support this requirement. It is very focused on means and methods of teacher evaluation instead of the end of using teacher evaluation to improve teaching. Requiring a data source (test results) in all teacher evaluation plans rules out innovation based on other types of information.

P. 21 “The secretary proposes core performance measures for evaluating the performance of states receiving funds under this program.”

AASA Response: Since most of the data burden will fall to school districts, there is a need for clarity around what type and kind of data will be collected. Is it common data, data that everyone collects and understands and is communicable between states (i.e., enrollment levels)? Or, is it comparable data that, while similar in purpose, varies from state to state and needs to be mathematically linked to have meaning (i.e., graduation rates)? This needs clarification to help school districts compute and plan for the actual cost of participation because there is no support mentioned in the guidance for local data systems, just for the costs the states will incur.

P. 25 “State Reform Conditions Criteria (A) (1) Developing and adopting common standards.”

AASA Response: We assume that this reference is to the common core of standards being developed by NGA and CCSSO, but that needs to be made clear, because this will cause a significant shift in standards and will misalign the current state tests. In addition, the

regulations seem to speed up the schedule at which the core standards are currently being developed. It is not clear that the process can meet this new timeline because the standards work is already behind on an ambitious schedule. How will these criteria be weighed if it cannot be implemented within the two year time frame of this grant?

P. 27 “B. Data Systems to Support Instruction

State Reform conditions Criteria

(B) (1) Fully implementing a statewide longitudinal data system: ...

(B) (2) Accessing and using state data:”

AASA Response: Many school districts cannot participate in the robust data system envisioned by the America Competes Act because they do not have broadband access at the district or school levels. While the focus is on the state data systems, the success of these systems will be based on the ability of local school districts to transfer their data to the states. AASA encourages the Department to work with the Departments of Commerce and Agriculture to involve the rural and urban systems that lack broadband into the broadband projects financed under ARRA . Otherwise the data system requirements are yet another case of well-off school districts and states having an unfair advantage in the RTT competition. The use of data to make decisions is not as possible where data comes is transferred over a copper phone line.

P. 29. “(C) (2) Differentiating teacher and principal effectiveness based on performance”

AASA Response: The criteria are much more about directing process or methods of teacher evaluation, compensating teachers and dismissing teachers than about clearly stating the target, a highly effective teacher and principal workforce. Practical experience and research speak to the varying ways of evaluating teachers and principals. There is less data about the effect of compensation plans, and the evidence from schools and industry is clear that performance pay produces mixed results for a variety of reasons. The path to excellence must include dismissing the most ineffective teachers, but the evidence about improvement always leads back to better pay, better working conditions and respect for the position. Therefore it should be made very clear that dismissals are going to involve a very small percentage of teachers and principals in almost every situation. Both rural and urban schools may have difficulty attracting and retaining effective teachers because recruitment of career teachers and principals is simply more difficult in those schools. In addition, the small number of students in so many rural schools can make the use of student outcome data inaccurate.

P. 29 “(C) (2) (b) Employ rigorous, transparent, and equitable processes for differentiating the effectiveness of teachers and principals using multiple rating categories that take into account data on student growth...”

AASA Response: The required rating scale (effective, highly effective, and the unstated less than effective) intrudes into state and local decision making, without sufficient evidence that the required definitions will improve teaching or teacher evaluation.

P. 31 “(C) (5) Provide effective support to teachers and principals

AASA Response: We support the efforts of the Department to encourage states to provide teachers and principals with meaningful achievement data for individual students. This will be an improvement over current practice and help to meet the need that many districts are fulfilling by using formative assessments. However, to serve the total child we urge the Department to include support for teachers and administrators to address critical non-school factors that affect achievement but go beyond instruction. Students in high poverty, low performing schools may need support in areas teachers and administrators are unfamiliar with or are not available to help with because they do not live in the attendance area. In all of those cases, schools need ties to other community agencies—public, nonprofit and private—to address the myriad of issues faced by so many students, especially those in poverty. School personnel and personnel from other agencies critical to children’s development, health and well-being need professional development related to goal achievement for which agencies can be held accountable.

p. 35 Overall Selection Criteria

AASA Response: AASA strongly urges the Department to include the opportunity to review the state plans to spend the SFSF as part of the selection criteria. This is one of the only sticks the Department has to encourage states to meet the legislative intent of ARRA and not supplant the state effort in education.

p.36 Memoranda of Understanding

AASA Response: It is unclear who is a participating LEA under this provision and therefore there is ambiguity of who would have to complete the MOUs. Is it just the LEAs who would fall under the second 50 percent of the state funding or would all of the LEAs who would receive their proportionate share of Title I would also have to complete an MOU? Finally, is the Department expecting all of these MOUs to be completed prior to the state’s application?

p.39, 40, & 41 Definitions of effective and highly effective teachers and effective and highly effective principals

AASA Response: These definitions do not give credit for improvements that might be spectacular in light of individual student background conditions and is too dependent on test scores using the current crop of weak state summative tests. The definition of a year's progress assumes, falsely like NCLB that children's development is uniform year over year and that background events have no effect on test results. Further, just using test results gives short shrift to other lessons about behavior and society that schools are expected to teach and which parents and communities and future employer's value as much as content mastery. School is about more than test scores and a test score does not describe a child in many ways that are more instrumental in success in school and after school. Therefore teachers and principals should be judged on much more than just test scores.

p. 41 "High Need LEA"

AASA response: The definition in the statute is better than the definition in the guidance and thus should be used.