

California School Boards Association

August 28, 2009

TO: Arne Duncan
Secretary for Education
United States Department of Education

FROM: Scott P. Plotkin
Executive Director
California School Boards Association

RE: Race to the Top Fund – Notice of Proposed Priorities,
Requirements, Definitions, and Selection Criteria



The California School Boards Association supports the Administration's efforts to create the conditions for education innovation and reform and appreciates this opportunity to comment on the Department of Education's July 29, 2009 Federal Register Notice regarding the Race to the Top Fund. Our specific comments follow, below.

Structure of Race to the Top

CSBA requests that "participating LEAs" be further defined in the final Notice. It is unclear which LEAs are eligible and how a state can determine who may participate. Must all districts that receive Title I funds participate in RTTT and therefore automatically receive their pro-rata share? May states develop their own criteria to award funds to LEAs that wish to participate? How will the RTTT requirements apply to non-participating LEAs? If it is not the intent of the Administration to award these funds to all Title I LEAs, how can states justify an uneven distribution of funds to students and schools with the greatest needs?

I. Proposed Priorities

Proposed Priority 1: Absolute Priority – Comprehensive Approach to the Four Education Reform Areas

We applaud the Administration for consistency across the various ARRA initiatives with the use of the four education reform areas. CSBA supports these efforts to develop school reform and ensure high levels of student achievement and success.

The proposed Notice suggests using the National Assessment of Educational Progress as the sole measurement for monitoring student achievement in RTTT

3100 Beacon Boulevard
P.O. Box 1660
West Sacramento, CA 95691
(916) 371-4691
FAX (916) 371-3407

participant states and LEAs. CSBA is concerned that NAEP achievement results may be used as an accountability measure, which was not the intended purpose of this assessment. NAEP is a state sample – in the average state only 2,500 students are tested in roughly 100 schools (including private schools). How will it be administered and how will progress be effectively monitored in the specific LEAs and specific schools that are targeted for RTTT assistance if they are not being appropriately sampled? NAEP results should be used for information only and not be used for local RTTT grant compliance, AYP or school improvement purposes.

Proposed Priority 2: Competitive Preference Priority – Emphasis on Science, Technology, Engineering, and Mathematics

CSBA supports comprehensive science, technology, engineering and mathematics programs throughout all grade levels.

II. Requirements

A. Eligibility Requirements

CSBA interprets current California law to allow student assessment results, from various local and statewide assessments, to be used for the purpose of teacher and principal evaluations at the school district level. This data may also be used to inform instruction, identify areas of student need, improve credentialing programs and design professional development opportunities.

III. Selection Criteria

A. Standards and Assessments

(A)(1) Developing and adopting common standards

CSBA supports high standards for each grade level based on an assessment of the skills that students will need for the future workforce and for productive citizenship and higher education. California's academic content standards are among the highest in the nation. According to the Thomas B. Fordham Foundation, California is one of only three states to receive an "A" for the level of rigor in its academic expectations for all students. We are closely monitoring California's participation in the National Governors Association and the Council of Chief State School Officers initiative to develop common core standards. However, like the California Department of Education, we cannot commit to supporting their adoption until we have determined that they meet or exceed our own. Given the importance and complexity of developing and adopting common standards, we are concerned that the June 2010 deadline is inappropriate.

The NGA-CCSSO initiative focuses on the two core subjects of mathematics and English language arts. How may applicant states ensure a balanced instructional plan in their grant proposals by including career technical education and subjects like science, art and history?

(A)(2) Developing and implementing common, high quality assessments

A key component of a standards-based system is the alignment of the academic content standards with student assessments. CSBA supports ongoing standardized and performance-based assessments of students' progress that take into account the many different ways in which

students learn. However, we are apprehensive how students will be assessed and how achievement data will be used with a common assessment system.

The NGA-CCSSO initiative includes only English language arts and mathematics. NCLB has forced districts to focus their efforts almost exclusively on English language arts and math in order to avoid NCLB sanctions. This has resulted in a dramatic reduction in programs for the arts, science, history/social science and physical education. CSBA is concerned that basing assessments only on the core common subjects will further exacerbate this issue. We urge the Administration to avoid this unintended consequence by removing this requirement for states in the final Notice.

(A)(3) Supporting transition to enhanced standards and high quality assessments

In order to successfully implement new standards and assessments systems, all school districts will require additional financial resources, technical assistance and time. If adopted, common standards will affect all districts, but all districts may not qualify or participate in the RTTT program. State applications must include a plan detailing how the state will provide technical assistance and directly support the operational costs incurred by all LEAs as they transition to common standards and assessments.

B. Data Systems to Support Instruction

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

Accurate data is critical to informing decisions around teaching and learning in classrooms and schools, as well as informing policy and resource decisions at the local and state levels. In order to fully implement a statewide longitudinal data system, it is essential that states and LEAs have sufficient expertise and funding to collect, analyze and report data in a manner that is transparent and uncomplicated for the community. States must plan for the operational costs that the RTTT Fund will not allow.

C. Great Teachers and Leaders

(C)(2) Differentiating teacher and principal effectiveness based on performance

Improving the quality of teaching and administrative leadership is critical to the success of public education. Local governance leaders are pleased that the Administration is joining CSBA in support of a growth model that recognizes schools that are making progress from year to year. However, using student performance data to help evaluate teachers and reward achievement in the classroom only makes sense if it goes beyond just test scores to include the use of additional teacher performance measures. Test scores and data alone cannot determine the effectiveness of a teacher or principal and should be used only as part of a broader, multiple measures approach. Nevertheless, current California law allows student assessment results, from various local and statewide assessments, to be used for the purposes of teacher and principal evaluation. This data is also be used to inform instruction and identify areas in need of improvement for students and staff.

Data on teacher and principal effectiveness is only one determinate in a complete and appropriate evaluation system. Selecting evaluation instruments and the criteria used must remain a decision for the local governing board in determining what is best for the education of students in their district.

CSBA supports enhancing the ability of districts and COEs to implement differential pay. Unfortunately, the salary and administrative costs necessary to implement pay based on performance is prohibitive for most California school districts. This lack of financial resources is coupled with the historic budget reductions school districts and the state now face. This begs the question – where is the money going to come from?

D. Turning Around Struggling Schools

(D)(2) Increasing the supply of high-quality charter schools.

In general, federal policy should be concerned with increasing the quality of *all* public schools, instead of narrowly focusing on the sheer number of charter schools. While increasing the supply of *high-quality* charter schools can be an effective mechanism for turning around struggling schools, so could increasing the supply of *high-quality* non-charter schools. Federal regulations should recognize this and support state efforts to achieve across-the-board improvement in the quality of all public schools, whether they are charter or not. Regulations to simply increase the number of charter schools does not serve this purpose and sends the erroneous message that more is, by definition, better.

Criterion: “The extent to which the State has a charter school law that does not prohibit or effectively inhibit increasing the number of charter schools in the State (as measured by the percentage of total schools in the State that are allowed to be charter schools) or otherwise restrict student enrollment in charter schools.”

The parenthetical phrase, “as measured by the percentage of total schools in the State that are allowed to be charter schools,” is ambiguous. Does it mean that any percentage limit is unacceptable or that a percentage limit is acceptable as long as it does not exceed a certain level? If the latter, what is the acceptable level? These questions cannot be answered in a way that meets the needs and conditions of 50 different states.

Instead, the focus should be on the meaning of laws that “prohibit or effectively inhibit increasing the number of charter schools in the State.” While California law establishes a cap on the number of charter schools, there are about 300 fewer charter schools than allowed by the cap, and no petition for a charter school has ever been denied because of the cap. In addition, the cap grows each year. Clearly, the mere existence of a cap—whether expressed as a percentage or a number—does not necessarily “prohibit or effectively inhibit increasing the number of charter school in the State.” The parenthetical phrase, “as measured by the percentage of total schools in the State that are allowed to be charter schools,” should be deleted from this regulation. In addition, the federal government should be explicit that their desire for an increase in charter schools in no way implies that state laws governing criteria for charter schools to be approved, be relaxed in any way.

Criterion: “The extent to which the State has statutes and guidelines regarding how charter school authorizers approve, monitor, hold accountable, reauthorize, and close charter schools, including the extent to which such statutes or guidelines require that student academic achievement be a factor in such activities and decisions, and the extent to which charter school authorizers in the State have closed or not renewed ineffective charters.”

Federal regulations should recognize and accept state laws that hold charter schools to high performance expectations and academic interventions. In California, authorizers can and do close charter schools based on student performance. However, Federal regulations should recognize that school closure is extremely disruptive. Therefore, school closure should be the last, not the first option considered in dealing with ineffective charters and local authorizers should have the flexibility to allow charter schools to correct their deficiencies.

In addition, federal regulations should require state laws to provide charter school authorizers with the authority and enforcement tools to monitor the expenditure of public monies by charter school operators. Federal regulations should require that charter school governing boards, which have fiduciary responsibility for taxpayer dollars, be subject to the same open government and conflict of interest requirements that apply to school districts and other public legislative bodies. Federal regulations should not encourage the growth of charter schools without also ensuring the appropriate use of the public funds that those schools spend. There have been a number of cases in California of public school monies being misappropriated by unscrupulous charter operators.

(D)(3) Turning around struggling schools

As a general comment, we are disappointed by the lack acknowledgement of the positive role that school districts and administrators play in turning around struggling schools. California school board members are eager to implement effective interventions, based on a careful analysis of the conditions of the school and deliberately matched to the identified problems, but require adequate funding and local flexibility in order to do so.

We support the Administration for focusing on the schools with the greatest needs, but CSBA is concerned that the Administration has not committed to using the growth model to identify the lowest 5 percent of schools in need of intervention.

According to the proposed Notice, participating LEAs with schools in the lowest five percent must select one of the four turnaround options. Regardless of which option is chosen, the LEA will be required to surrender all or some of the governance of the schools involved. We strongly object to the assumption that existing school governance is necessarily the cause of failure, or even with adequate financial and technical support, it is not as likely to be successful as the other approaches. We recommend that a less ideological and more pragmatic approach be taken to recognize that with additional resources, the current governance structure (and a fully accountable central office) can produce a stronger commitment for LEAs to participate in RTTT and achieve better results in specific cases than will the Notice’s current top down approach to categorically downgrade school board governance.

E. Overall Selection Criteria

CSBA supports the proposed requirement for states to solicit commitments for specific reforms from school districts and other stakeholders in the form of memoranda of understanding. We recommend that states be required to also demonstrate in their applications how local school districts (i.e., school districts in general and Title I districts eligible for special RTTT funds) have been and will continue to be involved in the development and implementing of the state plan including such elements as timelines, activities, and funding levels. In order to be a successful partner with the state, LEAs must play an active role in determining and understanding how the plan is developed and implemented.

Definitions

Common Set of K-12 standards

Allowing the flexibility for each state to include additional standards to supplement the common standards is welcomed. Limiting the additional state standards to a 15 percent cap reduces opportunities for state innovation and specialization of subject areas.

Effective teacher/principal and highly effective teacher/principal

CSBA supports strengthening the evaluation process as a means to improve the quality and effectiveness of teachers and principals. Local school districts must maintain the ability to use student data as one element of a broader, multiple measures approach for evaluations. Test scores alone cannot determine the effectiveness of a teacher or principal. We oppose the Administration's required use of student data as the primary measure for determining effectiveness.

Rapid-time

CSBA supports timely communication of assessment results to districts, school sites, students and their parents/guardians. Setting a timeline of 72-hours for data turn around eliminates local-level decision making, lowers the quality of the data and may place an unnecessary burden on school district staff. School districts and sites should retain the ultimate decision-making authority regarding the timeliness of releasing student assessment results to inform instruction.