

California School Boards Association

September 25, 2009

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

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

RE: School Improvement Grants – American Recovery and Reinvestment Act of 2009; Title I of the Elementary and Secondary Education Act of 1965



CSBA appreciates the Administration's concern that schools in corrective action have not been improving at a rate that will allow them exit corrective action. However, it does not mean that these schools have not been making remarkable improvements that the definition of Adequate Yearly Progress would never recognize. Therefore, it is not our conclusion that the interventions have been inadequate, but it is the metric of AYP that has failed to adequately identify those schools that are truly in need of intervention.

CSBA strongly supports standards, assessment and accountability for California's public schools. However, it is evident that the definition of AYP under the federal system will ultimately result in all schools and districts failing to achieve proficiency by 2014 because it establishes a criterion that is statistically impossible to reach. All schools will be labeled "failures," and therefore subject to the onerous and expensive sanctions of Program Improvement. One of the reasons No Child Left Behind has not been able to achieve results because very few schools and school districts have been able to make improvement at the ever-increasing rate required, particularly those under sanctions. The number of schools exiting PI will never outpace the number of schools that fail to make AYP.

Due to the over-identification of failing schools, as defined by AYP, resources to support interventions have not been distributed to those schools and districts that require the most assistance. CSBA supports the SIG proposed regulations that allow SEAs and participating LEAs to focus on the five percent of the lowest performing schools and decide locally how to target resources.

CSBA appreciates this opportunity to comment on the Department of Education's August 26, 2009 Federal Register Notice regarding School Improvement Grants. Our specific comments follow, below.

Proposed Requirements

I. SEA Priorities in Awarding School Improvement Grants

A. Defining Key Terms

In this instance, the effort to move away from a nationwide one size fits all approach by allowing State Education Agencies to define the eligibility definitions of “greatest need” and “strongest commitment” is a strategy supported by CSBA. However, in addition to this requirement CSBA suggests that SEAs must not be allowed to develop these definitions and criteria in isolation, but rather include LEA input throughout via a process determined by and appropriate for each state.

2. Strongest Commitment

CSBA acknowledges the Secretary’s efforts to incorporate SEA and LEA flexibility throughout the proposed requirements. However, we cannot support the narrow and prescriptive offering of only four intervention models options. Limiting the decision-making power of local school boards to make the best educational decisions for the students they serve cannot be seen as true flexibility. Although Title I LEAs may optionally elect to apply for a School Improvement Grant, given the negative financial climate in California, school districts will likely apply out of sheer necessity. Then, they will be required to implement one of the four rigid intervention models. Given the lack of student progress over the last six years from those participating in one of the five allowable restructuring options, how can LEAs place faith in the highly-limited three year SIG models?

Grant applicants should be able to work directly with the SEA to develop an intervention plan best suited to the unique needs of the student populations of the struggling schools in the school district or county office of education. Additionally, LEAs will need to contribute input on the SEA’s definition of “sufficiently rigorous” student achievement goals (Section IIB3) for Tier I and Tier II grantee accountability plans. We support the proposed language allowing LEAs to establish their own three-year student achievement accountability goals under SIG, with respect to all students in the school as well as each subgroup of student as identified in 34 CFR 200.12(b)(7). Theoretically, participating schools will have two federal accountability measures – SIG and AYP, in addition to the state accountability system. To avoid confusion, CSBA recommends clarification regarding the relationship between the performance and reporting requirements of SIG and AYP.

At a minimum, the proposed “Turnaround model” and “Transformation model” should include a menu of reform strategies that LEAs may elect to implement, rather than the stringent proposed “Required activities” and “Permissible activities.” Allowing LEAs this type of flexibility guarantees the focus of these reforms remains on raising student achievement and moves away from a strictly compliance-based program model.

a. Turnaround model

When referring to the adoption of a new governance structure for this reform intervention, CSBA applauds the requirement that these strategies must be housed within the LEA or SEA. Local governing boards welcome this opportunity for increased accountability at the school district level. Retaining this requirement in the final regulations will ensure the participation and buy-in of school board members and administrators.

The governance structure definition is not uniform between the Race to the Top and School Improvement Grant proposed regulations. Although these are separate programs, it is likely many schools will participate in both concurrently. We urge the Administration to include new governance structures within LEAs in the regulations for both programs.

d. Transformation Model

The Transformation Model may be an effective reform model if school districts could receive additional flexibility through a waiver or similar process to meet the “required activities” as defined in the proposal.

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.

The proposed regulations require school leaders, teachers, and other staff who improve student achievement outcomes be rewarded. We would like the Administration to further clarify the term “reward” and request that the definition be broad in scope, rather than narrowly defined to include only performance pay. CSBA supports enhancing the ability of districts and county offices of education to implement differential pay.

CSBA has long supported increased funding and flexibility at the local level for all school districts to provide additional instructional time to raise student achievement and enhance learning. However, despite the strong support of California school districts, very few LEAs have been able to add instructional minutes to the school day and school year due to prohibitive implementation costs and union contract issues. Individual SIG site grants may total up to \$500,000 but must also be used for other “Required activities.” Extending instructional time has limited implementation history in California and across the nation and it is unclear if the proposed grant amount will match the actual costs of extending time. As a requirement for LEA approval, an applicant must also demonstrate the ability to extend reforms beyond the three-year timeline of SIG. It is unrealistic to expect school districts will be able to continue offering extended instructional time

without ongoing, significant investments. This requirement should not be used as a criterion for applicant eligibility or award.

B. Providing Flexibility

1. Awards for previous, partial interventions

On page 43105 of the Federal Register, under “Providing Flexibility” an example is given that if an LEA has replaced a principal of a Tier I school within the last two years and begun to implement improvement activities that may meet many, but not all, of the proposed requirements of the “Turnaround,” “Restart” and “Transformation” models the school may still be eligible to receive SIG funds. We urge the Administration to honor and uphold this flexibility to all LEA applicants; particularly so that newly-placed, effective principals may continue the good work they have started without interruption.

2. “Start Over” option

The option for a SIG grantee school site and LEA to “start over” on the school improvement timeline, cease offering supplemental education services and providing school choice is likely to be seen as tremendous incentive to participate in this program. However, CSBA believes this incentive is deeply flawed and opposes its inclusion in its current iteration. First, it is unlikely there will be enough SIG dollars to fund all applicants. Those LEAs that qualify under the state developed eligibility definitions and criteria but are not awarded funding will continue to operate under the sanctions of improvement, corrective action, or restructuring, thus further exacerbating inequities between schools. Second, we believe school districts should be able to select and participate in reforms based on a strategy’s potential to raise student achievement, not on removing a negative label. Schools that are improving their student performance should be given the same incentive to “start over” in the school improvement timeline no matter what interventions they choose to use.

II. Awarding School Improvement Grants to LEAs

A. LEA Applications

We interpret a lack of timelines in the proposed regulations that this will be a process developed by the State Education Agency. LEAs will need adequate time to prepare a high-quality application that reflects an accurate three-year budget, demonstrates capacity, establish student achievement goals, plan for sustainability after the grant cycle is completed, and seek input from administrators, teachers, staff, parents and community members. We recommend the Administration allow SEAs the flexibility to extend reasonable timelines to LEAs.

2. Selection of intervention models

The proposed regulations include a requirement that if an LEA has nine or more Tier I and Tier II schools, the LEA may not implement the same intervention in more than 50 percent of those schools. The scope of reform models limited to allow school districts only four choices: Turnaround, Restart, Close, and Transformation. To further narrow

LEA choice by requiring that a single intervention model be used no more than half of the time in a district with many eligible sites goes against the Administration's earlier policy statements to allow flexibility at the local level. LEAs should be allowed to select the intervention strategy best suited to the eligible student population and not be dictated by an arbitrary cap.

8. *Sustaining interventions*

If a SEA's selection criteria must require that eligible LEAs demonstrate the ability to sustain interventions beyond the three-year funding cycle of the SIG program, we ask that this requirement be removed or considered optional. California school districts are experiencing historic budget shortfalls and should not be disqualified from receiving funding due to an uncertain economic future and state budgetary actions that are beyond the control of local districts.

B. SEA Responsibilities

2. *SEA review and approval process*

Although it is not explicitly stated in the Proposed Regulations, it is implied that LEAs would solely be allowed to select the model of intervention from the four options presented for each site included in the application. CSBA would like to see this role for LEAs clearly defined in the final regulations, so that the SEA may participate as the approval agency and provider of technical assistance.

General Comments

While CSBA supports the Administration's efforts to create the conditions for education reform in the nation's historically lowest performing schools, we are deeply concerned with the rigidity of the proposed program requirements. 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 strong commitment for LEAs to participate in the various ARRA reform initiatives and achieve improved student outcomes. We hope that the final regulations will include a greater degree of trust in local governing boards to implement reform strategies with fidelity, resulting in improved student achievement.