



RACE TO THE TOP  
DOCKET ID ED-2009-0006

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

The New Teacher Project respectfully submits these comments on the Secretary of Education's proposed priorities, requirements, definitions and selection criteria for the Race to the Top Fund (the "Guidelines").

I. General Comments

The Proposed Guidelines reflect some important fundamental policy choices by Secretary Duncan and his staff for which we believe they should be applauded.

First, it is clear that the Secretary seeks bold proposals with ambitious goals for the transformation of state and district human capital policies, enhancement of assessment and data systems, and dramatic gains in student achievement, with special focus on reforms to benefit high need students and schools and using a broad definition of student achievement to include graduation rates and post-secondary outcomes. While proposals focused on interim, incremental improvements would involve less risk, Secretary Duncan has made clear that the Race to the Top Fund represents "a once-in-a-lifetime opportunity . . . to create incentives for far-reaching improvement in our nation's schools." We believe that this is the right choice. For decades, education reform efforts have been characterized by inertia and half-measures. Race to the Top opens the door to urgency and forward momentum that have been too-long delayed. Further, President Obama set precisely the right tone for dramatic reform by stating that Race to the Top "will not be based on politics, ideology, or the preferences of a particular interest group," but rather on "whether a state is ready to do what works." We urge Secretary Duncan and the President to maintain their focus on this noble goal and the best interests of the nation's children, and reject changes to the Guidelines that would diminish or dilute the reform agenda at the heart of this "once-in-a-lifetime opportunity." At its core, Race to the Top is a voluntary, competitive process. The federal government has already appropriated tens of billions of dollars in stabilization funding to states through existing formulas. Race to the Top must embody our aspirations for the future of

education, not tired, ideological debates from the past that have become a barrier to increasing educational equity for the families that most need it.

Second, the Guidelines reflect an appropriate emphasis on the critically important role of human capital in improving student achievement generally, and specifically to eliminating the shameful achievement gap that undermines the dreams of millions and perpetuates grave social inequities. Though education policymakers have widely accepted that teacher effectiveness is by far the most important school-based factor in the academic success or failure of our children, reform efforts have not focused on maximizing teacher effectiveness in a sustained, comprehensive way. The Guidelines make it clear that changing how we prepare, hire, compensate, promote, develop, evaluate and support our teachers and school leaders is central to the Race to the Top reform effort. This core focus is evident across the four “assurance” areas:

- **Standards and Assessments:** Evaluating the effectiveness of teachers in promoting student learning is futile without coherent student learning standards against which teacher performance can be judged. Neither are such evaluations possible without high-quality common assessments that reliably measure student learning and allow valid comparisons between states, school districts, schools and teachers;
- **Data Systems to Support Instruction:** Without data systems that are capable of collecting information about student achievement and providing reliable analyses of teacher impact, teachers cannot be developed or evaluated based on that impact;
- **Great Teachers and Leaders:** To ensure that every student has a great teacher and attends a school with a great school leader, states and districts must have teacher and principal pipelines that channel high-quality candidates into the profession, systems to differentiate among school leaders and teachers based on their effectiveness in promoting student academic growth, and the ability to make decisions about teacher development, evaluation, compensation, promotion and tenure on the basis of instructional effectiveness; and
- **Turning Around Struggling Schools:** Turning around failing schools requires not just a change in instructional program but also changes in leadership and staff. Furthermore, enduring improvement demands a focus on principal and teacher development, evaluation, rewards for effective teaching and improved strategies for recruiting teachers.

Third, we believe the Secretary has struck the right balance between leaving sufficient discretion for states and districts to innovate and setting clear parameters for reform. For example, while the Guidelines permit a variety of innovative approaches to teacher evaluation, they correctly disqualify states that lack the legal ability to link student achievement data to teacher and principals for the purposes of evaluation.

Finally, as to process, we understand that the Department will be using external evaluators to assess the merits of state applications, as is entirely appropriate. However, given the historic nature of this initiative and the profound impact of selection decisions on national, state and local policy, we believe that while the evaluators should make recommendations, final selection decisions should rest with Secretary Duncan. We believe that this approach will help ensure that funded applications faithfully reflect the spirit and purpose of this reform-oriented competition.

## II. Specific Comments

### A. *Teacher Evaluation*

- We especially applaud Secretary Duncan for the Guidelines' clear statements concerning teacher evaluation, specifically: that proposals include teacher evaluation systems that are "rigorous, transparent and equitable;" that all teachers be evaluated annually; that evaluations use multiple ratings; that they provide teachers timely and constructive feedback and targeted professional development; and that evaluation data inform critical decisions as to teacher compensation, promotion, tenure and dismissal. As documented in our recent study, *The Widget Effect*, teacher evaluation systems fail entirely to identify and retain our best teachers, improve or remove consistently ineffective teachers or develop all teachers to their full potential. We believe this systemic failure to acknowledge and act on differences in teacher effectiveness is the root cause of our nation's continuing struggle to provide all students with teachers who can deliver a quality education. The Guidelines provide a clear roadmap for states to address this fundamental problem through accurate and credible evaluation systems that are appropriately linked to other human capital functions.
- **We do, however, believe it is important that the final version of the Guidelines specifically require that evaluation data be used in teacher displacement and layoff decisions as well.** As we have found in our recent studies in of districts with declining enrollment, the educational quality challenges faced by such districts are exacerbated when they cannot retain their best teachers in displacement and layoff situations. While we believe seniority should be a factor in these decisions, teachers who have a consistently positive impact on student learning should receive priority. Evidence suggests that teachers believe this, too. Approximately three-quarters of teachers we surveyed in two large Midwestern districts agree that factors in addition to seniority should be considered in layoff decisions. This makes sense: economic downturns should not have the impact of diminishing the effectiveness of the workforce in a school or district.
  - i. This recommendation can be accomplished by adding a fourth selection criterion to section (C) (2) (d) reading: "Displacing

teachers due to decreased positions at a school site or laying off teachers due to decreased positions district-wide, by exempting teachers who are highly effective from seniority based displacement or layoff.”

- ii. This addition can be accommodated by expanding the performance measures for selection criteria (C) (2) to include: “Effectiveness is used as a significant factor in making displacement and layoff decisions
  - For what number and percent of LEAs
  - For what number and percent of teachers in participating LEAs.”

#### *B. Definitions of Effective Teachers and Highly Effective Teachers*

- The definitions of “effective teacher” and “highly effective teacher” have been very well crafted and are central to ensuring that Race to the Top funding will address the mal-distribution of teacher talent that leads inexorably to the achievement gap. Significantly, the definitions dictate that effectiveness must be judged by teachers’ impact on objective measures of student growth. This is critical to aligning teacher evaluation to the core mission of schools and achieving a fair but rigorous system to differentiate among teachers based on their performance. In addition, the reform plan criteria directly require plans to increase the number of highly effective teachers in high-need schools and effective teachers in shortage-area subjects.
- **However, we believe that it is critical that the definition of “Effective Teacher” and “Highly Effective Teacher” be modified to allow states to supplement the definition only if student growth is the “predominant” factor, rather than a “significant” factor.** The latter terminology would allow for definitions in which a teacher’s impact on student academic growth is outweighed by factors that may not relate to student outcomes.
  - i. This recommendation can be accomplished by modifying the selection criteria for section (C) (2) (b) to read: “...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 (as defined in this notice) as the *predominant* factor.”

#### *C. Opportunity for Improvement*

- We believe that teachers should not face discipline for performance problems unless they have been given clear performance standards, frequent actionable feedback, differentiated support and a reasonable opportunity to improve. Moreover, we believe school leaders should be held accountable in their own evaluations for communicating such standards and delivering critical feedback and targeted support that helps all teachers reach their peak potential. **However, the Guidelines should clarify that “ample” time to improve means a defined period such as within one school year, so that**

**ineffective teachers who cannot improve do not linger in the classroom after being given early notice of deficiencies and provided with differentiated support. In addition, it is important to clarify that teachers are expected to improve to the point of effectiveness, as defined in the Guidelines; marginal improvement that does not lead to effective teaching is insufficient.**

- i. This recommendation can be accomplished by modifying proposed selection criterion (iii) in section (C) (2) (d) to read: “Granting tenure to and dismissing teachers and principals, based on a rigorous and transparent procedures for awarding tenure (where applicable) and for removing tenured and untenured teachers and principals after they have had ample opportunities (typically defined as more than one quarter of a school year but less than a full school year) to improve to the point of being consistently effective but have not done so.”
- **We believe that a reform conditions criterion should be added to ensure that states and districts have the legal authority to intervene decisively when teacher instructional performance is not resulting in learning. As President Obama has said, “[i]f a teacher is given a chance or two chances or three chances but still does not improve, there is no excuse for that person to continue teaching.”** Effective teaching in every classroom cannot be achieved if states and school districts lack the legal ability to hold teachers accountable for instructional ineffectiveness and remove consistently low-performing teachers from the classroom through a fair but efficient dismissal process. Ensuring that students learn is a teacher’s core responsibility, yet 13 states do not appear to include ineffective instruction as a ground for dismissal of tenured teachers, and many do not interpret “incompetence” to include ineffectiveness in promoting student achievement. As states adopt fair and reliable methods of measuring teacher effectiveness, it is time that they shift to an accountability framework in which the demonstrated ability to positively affect student learning is an accepted condition of a teacher’s continued employment.
    - i. This recommendation can be accomplished by adding a selection criterion following section (C) (2) titled: “Ensuring intervention for poor instructional performance” with the selection criterion reading: “The extent to which the State has legal mechanisms for the dismissal of teachers who fail to realize student academic growth or who display a pattern of ineffective teaching over time.”
    - ii. The addition of this selection criterion can be accommodated by adding the following performance measure: “The number and percentage of LEAs that have legal mechanisms for the dismissal of teachers who fail to realize student academic growth or who display a pattern of ineffective teaching over time.”

- Increasing educational equity for students living in poverty is at the core of Race to the Top. We applaud Secretary Duncan for centering his definition of “equitable distribution” of teachers on effectiveness. At the same time, we recognize that in the short term, most states will not have good systems for measuring levels of teacher effectiveness, and in that interim period it is still prudent to have proxy measures for equitable distribution. For this reason, we recommend modifying reform conditions criterion for section (C) (3) to allow states to track and set goals around the distribution of teachers with at least one year of experience in high-poverty schools for school years 2009-10 and 2010-11. While experience is an imperfect proxy for effectiveness, until we have better evaluation systems that allow us to track the distribution of effective teachers across poverty levels, tracking the concentration of beginners makes sense.
  - i. This recommendation can be accomplished by appending to the proposed performance measures for section (C) (3) the following: “For school years 2009-10 and 2010-11 only, the number and percentage of teachers in high-poverty schools (as defined in this notice) with at least one year of prior classroom experience.”

*D. Linking Student Achievement Data with Teacher and Principal Preparation Programs*

- The requirement that states include plans to link student achievement data with teacher and principal preparation programs and report the results will create powerful public accountability for teacher preparation providers. We support the reform conditions criterion that examines the extent to which states allow alternative routes to certification and alternative providers, and the extent to which these programs are in use. We also support the definition of alternative routes to certification, particularly the inclusion of mechanisms to significantly limit coursework or allow candidates to test out of coursework. These represent appropriate responses to the lack of research evidence that such coursework correlates to effective teaching.

*E. School Turnaround Strategies*

- As to the school turnaround assurance area, the Guidelines appropriately focus on human capital and teacher effectiveness strategies. However, turnaround strategies involving the replacement of a majority of staff and school closure will not be sustainable unless districts adopt “mutual consent” hiring systems district-wide and displaced teachers do not have indefinite job entitlements. Without these measures, displaced teachers from closed or restructured schools who do not secure a regular teaching position will either have to be forced into positions in other schools or will have to be carried indefinitely on district budgets – both outcomes that negatively affect students, directly or indirectly. **The Guidelines should make it clear that hiring at turnaround schools and other district schools should be through an interview process where teachers choose to apply to the school and the**

**school's principal or hiring committee selects the best candidate for the position.** Displaced teachers should be afforded a fair opportunity and support to find new teaching positions that are a good fit; however, those who are unable to secure new positions after being given reasonable time and support should be given buy-out or unpaid leave options.<sup>1</sup> Forcible placement of teachers is a failed practice that does not work for teachers or schools; states seeking Race to the Top funds should be strongly urged to abandon it.

This recommendation can be accomplished by modifying the proposed selection criteria for section (D) (3) to read as follows:

- “Putting in place new leadership and a majority of new staff (with displaced staff required to find consensual placements at other district schools and with a limit on the time permitted to seek a consensual placement before being released from employment), new governance, and improved instructional programs, and providing the school with flexibilities such as the ability to select staff...”
  - “Converting them to charter schools or contracting with an education management organization (EMO), with displaced staff required to find consensual placements at other district schools and with a limit on the time permitted to seek a consensual placement before being released from employment.”
  - “Closing the school (with displaced staff required to find consensual placements at other district schools and with a limit on the time permitted to seek a consensual placement before being released from employment) and placing the school's students . . .”
- The proposed performance measure for turnaround schools correctly focuses on the number of struggling schools for which one of the three school transformation strategies – reconstitution, conversion to charter schools or contracting with an education management organization, or closing the school -- will be implemented. The fourth option listed in the Guidelines should be reserved for situations when the other strategies are not possible, such as in remote rural school districts that could not reasonably be expected to replace a majority of teaching staff, and should not be part of the performance measures.

We are enormously enthusiastic about the potential for transformative change in schools that the Race to the Top Fund can unleash. As an organization founded by teachers and dedicated to ensuring that all students have excellent teachers, we especially appreciate the ambition and urgency that the Guidelines expect of prospective Race to the Top

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<sup>1</sup> For further discussion of reform in these areas, please see TNTP's reports *Unintended Consequences: The Case for Reforming the Staffing Rules of Urban Teachers Union Contracts* (2005) and *Mutual Benefits: New York City's Shift to Mutual Consent in Teacher Hiring* (2008), available at [www.tntp.org](http://www.tntp.org).

applicants in their efforts to build a thriving teacher workforce. Teachers are the foundation of our education system, and any effort to end educational inequality hinges on the extent to which our nation's schools can find, develop and keep great teachers for all students. It is clear that Secretary Duncan and President Obama understand this fundamental logic and we commend their determination to act upon it.

We appreciate the opportunity to comment on the Guidelines.

Sincerely,

Ariela Rozman  
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The New Teacher Project