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January 11, 2010

Mr. James F. Notter, Superintendent
Broward County Public Schools
600 SE 3rd Avenue
Ft. Lauderdale, Florida 33301

Dear Superintendent Notter:

Thank you for your letter expressing concerns about Race to the Top. We have addressed them below underneath your original language.

- Defining sustainability requires further discussion. Entering the 2010-11 Legislative Session, Florida faces a \$2.5 billion shortfall, \$800 million to \$1 billion impacting education; in 2011-12 the state's federal fiscal stabilization funds are gone, impacting education by another \$1 billion and local districts will no longer have the stimulus portion of Federal Title and IDEA funding. Making several significant changes (e.g., lesson study, expansion of workforce programs, effectiveness pay, and "reduction-in-force" tied to performance) non-negotiable over a four-year period will require new recurring funds beyond realignment of existing funds. The recent announcement of a mid-year funding proration of \$5 million for Broward County Public Schools only underscores this concern;

Funds will be included in the state's budget to contract with financial consultants. Their purpose will be to support districts to identify funds that can be redirected in existing budgets to address sustainability of reforms put into place during the four-year Race to the Top (RTTT) period.

- Flexibility must be provided to Local Education Agencies (LEAs) to defer the progression of sanctions for those schools that demonstrate improvement. Research indicates a school needs three to five years to show improvement as a result of reform efforts. Based on this evidence, it is recommended that schools that are an F be required to reach a grade of C within a prescribed time period using a growth model approach. This model will require the school to show improvement in the total school grade points

each year to reach the final target of a C grade. These improvements will also include an increase in the total percentage criteria met on the No Child Left Behind (NCLB) Adequate Yearly Progress (AYP). This continuous improvement in both indicators (NCLB AYP and the school grade) would demonstrate that the school will eventually meet conventional standards of success;

The creation of annual goals for schools in the lowest 5% will rest with districts as a condition of receiving RTTT and School Improvement Grant funds. These goals must be consistent with the expectations of Differentiated Accountability (DA). That is, a school must work hard to make its turnaround option work, while at the same time it must plan for another option if the school cannot demonstrate that the selected option is bearing fruit.

- LEAs should not be restricted in utilizing seniority as a component of the decision-making process for the purposes of reduction in staff which may be required as a result of shifting student populations and budgetary shortfalls;

Regarding reduction in force, the state is not preventing seniority or other staff characteristics to be considered, only that the effectiveness of the staff is the priority consideration in making the decisions.

- Historically, the timeline for the release of disaggregated data has been released late in the school year and would not allow enough time for the information to be used to assess teachers, make timely modifications at the school based on these results, or to abide by statutory re-employment laws. When dealing with employees' livelihoods, this process will need to ultimately stand the assured legal challenge;

The Department is aware of the tight time frame a district is constrained by in its decision making on the re-hiring of teachers and will work with districts to improve the process by a number of means, including computer-based testing and the earlier release of data, where feasible. District plans should reflect approaches for considering data from district-administered assessments as well.

- LEAs should be provided flexibility to use other rigorous nationally recognized student performance measures for content areas and grade levels assessed by the FCAT to measure student growth, in order to ensure a direct link between student performance for the broadest group of teachers and principals;

Such measures would be reviewed in the LEA grant application and, if appropriate, approved. The state's plan is to have a common method to measure student growth for courses associated with the state assessment system (FCAT). Other assessments of student growth along with the methods to calculate growth will be determined by local school districts. The state will provide a list of assessments from which the district may choose to select models for calculating growth and training on those models for districts that choose to use them. The grant requires assessments used to measure student growth to be rigorous and comparable across classrooms. The state requires that they be aligned to the state-adopted student standards. It is also anticipated that these systems will be implemented over the course of the grant, not all in year one.

- Local control in the calculation of teacher effectiveness levels and performance measures, as provided in Florida State Statute, will be diminished due to requirements placed on LEAs through RTTT in developing a local evaluation system for teachers;

The state's plan is to have a common method to measure student growth for courses associated with the state assessment system (FCAT). Other assessments of student growth along with the methods to calculate growth will be determined by local school districts. The state will provide a list of assessments from which the district may choose to select models for calculating growth and training on those models for districts that choose to use them. The state will also work with participating LEAs to revise the set of core practices that the district should include in its evaluation system, as currently provided in s.1012.34, F.S., and provide national expertise to districts to support improving their evaluation content and processes. This process and the selection of the state method of calculating student growth for courses associated with FCAT will be transparent, will include participating districts in the decision-making process and will result in state board rule revisions under current rule making authority (see 6A-5.065 and 6B-4.010, F.A.C.).

- LEAs should be provided flexibility within their compensation schedules to recognize advanced degree work in teacher areas of expertise, while incorporating differentiated salary based on student achievement and a satisfactory performance evaluation, so as not to devalue the advanced education of teachers;

Nothing in the grant proposal prohibits school districts from including a recognition of years of service, levels of training or other considerations in their compensation plans, only that effectiveness results in the most significant gains. The district has flexibility to implement changes to compensation plans over the grant period.

- Requiring LEAs to modify school schedules to allow for common planning time by subject area for lesson study at the secondary level may cause unexpected results such as the elimination of interdisciplinary teaming or may not align to best practices such as grade level teaming in ninth grade high school academies. Depending on the LEA, there will be significant cost associated with secondary schools schedule changes to fully support this requirement;

Focus on creating common planning in the core subject areas (reading, language arts, mathematics, and science) in your lowest 5% of schools first. This has been done in Intervene high schools in Duval and DA schools at the elementary, middle and high school level throughout Orange County that contend with the same demands on master scheduling as your DA schools. Your RED would be more than willing to share examples of these master schedules.

- The required criteria defining the non-negotiables, such as required technology at schools and an instructional improvement system, needs to be provided so that LEAs can meet the requirements set out by the State;

A district can be flexible and propose the scope and implementation schedule in their Final Scope of Work, due 90 days after Florida is notified of an award.

- Utilization of Title I, Title IIA and other entitlement funding to supplement and enhance RTTT activities pulls valuable resources away from successful programs aligned to student achievement that are already being implemented;

The requirements for the lowest 5% of our schools are the same as DA requirements. Funds in Title I should already be aligned to the DA requirements. If they are not Title I, LEA plans are updated each year and with twice the amount of Title I, School Improvement and IDEA funds coming into the district, any requirements of RTTT can be addressed. The specific use of Title I and Title II funds are at the discretion of districts under the federal requirements for the use of the funds. Our intent is that you align these funds to support, augment

and strengthen initiatives for schools within the lowest 5% and their feeder patterns with a particular focus placed on expanding Pre-K, career academies and programs that target the needs of at-risk students to ensure the development of college or career ready skills, especially those returning from DJJ facilities. Additionally, since Title II-A funds are primarily used for teacher and principal recruitment, retention and professional development, the district should make the same considerations of coordinating the use of these funds with RTTT and any other state or federal programs to maximize the benefit to the district, staff and students.

- Additional clarification for the roles and responsibilities of the LEAs as it relates to charter schools.

Section 1002.33(17)(d), F.S., specifically requires that charter schools be included in state and district applications for stimulus funds, which would include this application. The language does not allow for the exclusion of ungraded charter schools. In order to participate, charter schools must meet the requirements set forth in the MOU to the extent each non-negotiable item can be accomplished at a school level. Similar to the development of approved reading plans, charter schools must have the same level of flexibility that the district has in determining how it will meet the requirements of the MOU. However, in order to increase the efficient use of resources, districts should work closely with their charter school operators to develop ways in which to include their charter schools in the district's implementation of the grant requirements.

Please let us know if we can be of further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric J. Smith". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Eric J. Smith
Commissioner