



ANALYSIS OF NSBA'S COMMENTS ON FINAL RACE TO THE TOP REQUIREMENTS

On November 18, 2009, the U.S. Department of Education published the final requirements for the \$4.35 billion Race to the Top program in the Federal Register. The following is the analysis of the final requirements and NSBA's comments on the proposed requirements. If you have any questions, please contact Katherine Shek, legislative analyst, at 703-535-1627 or kshek@nsba.org.

Issues	Proposed Requirements	NSBA Comments	Final Requirements
Application transparency	Not addressed specifically.	In order to facilitate school districts' development of their plans, NSBA recommended that ED make available online state applications once they are approved with funding levels.	ED plans to post all state applications – both approved and not approved – on its website at the end of each phase of the competition. States can make their applications available to public at any time.
Participating LEAs	The proposed notice required grantee states and their participating LEAs to take a systemic approach to education reform to address each of the four education reform areas specified in ARRA. The term "participating LEAs" appear throughout the proposed notice but how a school district could become a participating LEA was not clearly explained.	<p>NSBA recognizes the critical role school districts will play in developing and implementing their states' RTTT plans. However, the proposed notice did not explain the process through which school districts can become involved. NSBA recommended that ED clarify how school districts could become participating LEAs and recipients of funds; whether non-title I school districts could participate and how funding would be distributed to LEAs.</p> <p>NSBA also articulated the need for state applicants to clearly describe how they will support LEAs across the state -- including those that do not receive RTTT assistance – in carrying out activities that require statewide efforts such as developing a longitudinal data system.</p>	<p>ED clarified that states do not have the discretion to select participating LEAs, instead each LEA will make the decision to sign on to the state's plan as a participating LEA.</p> <p>ED added a definition of participating LEAs to mean LEAs that choose to work with the state to implement all or significant portions of the RTTT plan as specified in each LEA's agreement with the state. Each participating LEA that receives funding under Title I, Part A will receive a share of the 50 percent of a state's grant award that the state must subgrant to LEAs, based on the LEA's relative share Title I, Part A allocations in the most recent year. Any participating LEA that does not receive funding under Title I, Part A (as well as one that does) may receive funding from the state's other 50 percent of the grant award, in accordance with the state plan.</p> <p>Responding to NSBA's concern of how states will support all LEAs, not only those that receive RTTT assistance, ED further clarified that school districts that are not signed on to as a participating LEA, can become "involved LEAs." "Involved LEAs" choose to work with the state to implement those specific portions of the state's plan that necessitate full or nearly full statewide implementation, such as transitioning to a common set of k-12 standards. These LEAs do not receive a share of the 50 percent grant award but states may provide other funding to "involved LEAs" under the RTTT grant.</p>
Using NAEP to monitor increases in student achievement	ED proposed to use the National Assessment of Educational Progress (NAEP) to monitor overall increases in student achievement and decreases in the achievement gap over the course of the RTTT grant.	NSBA was concerned about using NAEP to monitor increases in student achievement for grantee states. We asked that ED clarify how NAEP results would be used and whether participating LEAs would be held accountable for meeting achievement goals tied to performance on NAEP. NSBA reminded ED that accountability is not the intended purpose of NAEP and that NAEP is a state sample and is not aligned to state academic standards and therefore is not a good measure of student performance in that state.	ED acknowledged NSBA's comments on the limitations of NAEP as a measure for student achievement, but decided that the ability of NAEP to compare progress across states and to be a consistent measure over time remains a compelling reason to use it for RTTT. In the final notice, ED decided to use both NAEP and the annual state assessment results under ESEA to evaluate increases in student achievement and decreases in the achievement gaps under the RTTT program.

Issues	Proposed Requirements	NSBA Comments	Final Requirements
Annual report & performance measures	A state receiving RTTT funds must submit to ED an annual report which may include a description of the state's and its LEAs' progress to date on their goals, timeline and budgets, as well as actual performance compared to the annual targets the state established in its application. ED will monitor a state's and its participating LEAs' progress in meeting its goals, timelines, budget and annual targets and in fulfilling other applicable requirements.	<p>NSBA recommended ED clarify how states can reconcile the potential differences between RTTT goals/targets and their current performance goals under ESEA and the state accountability plan.</p> <p>Overall, NSBA was also concerned about the potential costs associated with the program that would not be covered by RTTT funds since the program is very comprehensive and detailed in what it is seeking grantees to do. The reporting requirement would result in substantial collection at the local level. Many states are projected to incur budget shortfalls over the next year or two that are likely to be greater than their current shortfalls. At the same time, LEAs are likely to have additional budget pressure resulting from lower assessed property valuations and taxpayers' opposition to raising local property tax rates.</p>	<p>ED rejected calls from other organizations for adding more collection requirements and largely kept the proposed requirements for reporting. States also must submit a report annually that describes the uses of funds, how the state distributed the funds it received; the number of jobs that the governor estimates were saved or created with the funds; and the state's progress in reducing inequities in the distribution of highly qualified teachers, etc.</p> <p>ED did acknowledge that LEAs play a leading role in implementing school intervention models, and that states should help build LEA capacity to fulfill this role effectively. ED emphasized that states will be evaluated based upon their plans to support participating LEAs in successfully implementing the RTTT plan through such activities as identifying promising practices, evaluating these practices' effectiveness, widely disseminating and replicating effective practices statewide, etc.</p>
Evaluations	States and their participating LEAs must use funds under this program to participate in a national evaluation of the program, if the Department chooses to do one. The Department also sought comments on whether a state should, instead of or in addition to a national evaluation, be required to conduct its own evaluation of its program activities using funds under this program.	NSBA recommended a voluntary, independent role for LEAs in a national evaluation of the program if ED chooses to do one. In the event that results from and evaluations of the RTTT program are taken to scale nationally, the perspective of LEAs offers a valuable contribution to the evaluation progress.	<p>The Institute of Education Science will conduct a series of national evaluations of RTTT state grantees. States that received RTTT funds will be required to participate in these evaluations and that they can, but are not required to, conduct their own independent, statewide evaluations.</p> <p>The national evaluation will give school districts the opportunity to present their perspectives and "on the ground" experience. It calls for: surveys of states, LEAs and/schools; case studies of promising practices in states, LEAs and/or schools; and evaluations of outcomes.</p> <p>RTTT states, LEAs and schools are expected to identify and share promising practices, make work available within and across states, and make data available in appropriate ways to stakeholders and researchers so as to help all states focus on continuous improvement in service of student outcomes.</p>
Final selection criteria: State success factors	This section did not exist in proposed requirements	Throughout the comments, NSBA articulated that districts must play a leading role in order for the state RTTT plan to be successful and they must be supported by the state and have the local capacity to conduct activities and professional development according to the state plan.	<p>ED added this new section to allow applicants to outline a comprehensive and coherent education reform agenda and to engage its LEAs. It was assigned a maximum of 125 points out of a 500-point rubric system.</p> <p>Specifically, states will need to demonstrate the participation and commitment of their LEAs as evidenced by Memoranda of Understanding (MOUs) or other binding agreements between the state and its participating LEAs with signatures from the president of the local school board (or equivalent); LEA superintendents (or equivalent) and local teachers' union.</p> <p>The section emphasizes states' responsibility in supporting participating LEAs in successfully implementing the education reform plans the state has proposed.</p>

Issues	Proposed Requirements	NSBA Comments	Final Requirements
<p>Final selection criteria: Standards & assessments</p>	<p>State applications would be rated based on the extent to which the state has demonstrated commitment to improving the quality of its standards by participating in a consortium of states that is working toward jointly developing and adopting, by June 2010 a common set of K-12 standards that are internationally benchmarked and build toward college and career readiness; and the extent to which this consortium includes a significant number of states.</p> <p>State applications would also be rated on whether the state has demonstrated a commitment to improving the quality of its assessments by participating in a consortium of state that is working toward jointly developing and implementing common, high quality assessments that are internally benchmarked and build toward college and career readiness.</p>	<p>NSBA raised concerns about the proposed deadline for standards adoption, which seemed to be pushing toward the CCSSO/NGA project and would require applicants to adopt those standards prior to having an opportunity to vet them. In addition, NSBA recommended that ED clarify what a “significant” number of states means if several states seek to join a regional or other consortium. If the standards are of comparable quality to the NGA/CCSSO initiative then a consortium of at least three states should be considered eligible for these funds.</p> <p>Regarding common assessments, NSBA recommended that if a state develops acceptable standards, it should not necessarily be required to join a consortium of a significant number of states as long as its own assessment or that of a smaller group of partner states is deemed to be high quality and aligned with those standards.</p>	<p>This section was assigned a maximum of 70 points in the 500-point rubric system.</p> <p>In response to the concern regarding the proposed timeline in adopting common standards, ED pushed the deadline for adopting these standards to August 2, 2010, from June 2010. States that cannot adopt a common set of K-12 standards by this date will be evaluated based on the extent to which they demonstrate commitment and progress toward adoption of such standards by a later date in 2010.</p> <p>ED also addressed NSBA's concern that that a consortium with fewer states might not be given any consideration/points in the application process. It further explained the term a “significant number of states” in the scoring rubric that will be used by reviewers to judge the RTTT applications. The rubric clarified that the state will earn “high” points if its consortium includes a majority of states in the country; it will earn “medium” or “low” points if its consortium includes one-half or fewer of the states in the country</p> <p>In addition, applications will be given points based on the extent to which the state has demonstrated its commitment to improving the quality of its assessments, evidenced by a state's participation in a consortium of states that work together to develop and implement common, high-quality assessments aligned with the consortium's common K-12 standards.</p>
<p>Final selection criteria: Data system to support instruction</p>	<p>State applications would be rated based on the extent to which the state has a statewide longitudinal data system that includes all of the elements specified in the America Competes Act. They would also be judged on the extent to which the state and its participating LEAs has a high quality plan to increase the use of instructional improvement system that provide teachers, principals and administrators with the information the need to inform instruction.</p>	<p>Since the development of a high-quality longitudinal data system will involve all LEAs in the states, NSBA recommended that state application specifically indicate how it plans to technically and financially support LEAs across the state, including developing contracts and systems that can reduce costs by involving multiple LEAs. In meeting the requirements for a statewide system, there will likely be net costs incurred at the local level to set up and maintain data—including costs for LEAs that do not receive assistance from RTTT.</p>	<p>This section was assigned a maximum of 47 points out of a 500-point rubric system.</p> <p>ED added new language to clarify the LEA's role in the acquisition, adoption and use of local instructional improvement systems and to describe the state's responsibilities in assisting its LEAs, including how states will support their participating LEAs and schools that are using instructional improvement system in providing effective professional development to teachers, principals and administrators on how to use these systems and the resulting data to support continuous instructional improvement.</p>

Issues	Proposed Requirements	NSBA Comments	Final Requirements
<p>Final selection criteria: Great teachers and leaders</p>	<p>Applications would be rated based on the extent to which the state and its participating LEAs has a high-quality plan and ambitious yet achievable annual targets to measure student growth and evaluate the effectiveness of teachers/principals that take into account student growth as a significant factor.</p>	<p>NSBA supported the use of student growth as a significant factor in evaluating teachers and principals, including determining their compensation, promotion and basis for granting tenure or dismissal. NSBA also believed school districts in states that have laws/policies that would prohibit the use of such student data when evaluating teachers and principals should not be penalized or denied RTTT funds if their state can demonstrate that it is taking steps to modify state legislation or policy or connect student progress and teacher/principal effectiveness, or if it can demonstrate the reasons why the current statute/policy should remain in place.</p>	<p>This section was assigned a maximum of 138 points in a 500-point rubric system.</p> <p>The final language emphasized that these evaluation systems should differentiate effectiveness using multiple rating categories and should be designed and developed with teacher and principal involvement.</p> <p>In addition, ED modified the definition of an effective teacher/principal by adding flexibility for school districts, schools and states to use multiple measures for evaluations provided that effectiveness is evaluated in significant part by student growth.</p> <p>The final language did not alter the eligibility requirement that states must not have laws/policies that prohibit linking student achievement with teacher/principal evaluations.</p>
<p>Final selection criteria: Turning around the lowest achieving schools—school intervention models</p>	<p>ED outlined four broad intervention models for turning around the lowest-achieving schools:</p> <ol style="list-style-type: none"> 1. Put in place new leadership and a majority of new staff, new governance, and improved instructional programs; or 2. convert to charter schools or contract with an education management organization (EMO); or 3. close the school and place the school's students in high-performing schools; or 4. to the extent that the first three strategies are not possible, implement a school transformation model that includes a range of comprehensive strategies including hiring a new principal, rewarding effective teachers and principals and improving recruitment and retention strategies, etc. 	<p>NSBA strongly objected to the assumption that existing school governance is necessarily the cause of failure since the proposed intervention models would require an LEA participating in RTTT to surrender all or some of the governance of the schools involved. The fourth model, which was the most comprehensive and gave school districts the flexibility to implement the strategies that meet their needs, could only be used if the first three options were not possible.</p> <p>NSBA recommended that a less ideological and more pragmatic approach be taken to recognize that with additional resources, the current governance structure can produce a stronger commitment for LEAs to participate in RTTT and achieve better results in specific cases than will the proposal's top down approach to categorically down grade school board governance. Therefore NSBA urged ED to give equal weight to all four intervention models to allow school districts to implement strategies that most suit the needs of their students.</p>	<p>This section was assigned a maximum of 50 points in a 500-point rubric system.</p> <p>ED addressed NSBA's concern and removed the restriction proposed earlier that permitted the fourth model (transformation) to be used solely as a last resort, therefore allowing school districts to choose from the four intervention models without giving extra weight to particular options. ED did specify that an LEA with more than nine persistently lowest-achieving schools may not use the transformation model for more than 50 percent of its schools.</p> <p>In addition, the final requirements clarify that "new governance" in the turnaround model can include a new office within the existing school system governance structure, not necessarily eliminating the current governance structure.</p>

Issues	Proposed Requirements	NSBA Comments	Final Requirements
<p>Final selection criteria: General – charter schools and other innovative schools</p>	<p>This section did not exist in the proposed notice. Some of the elements regarding charter schools in this new section were moved from the proposed selection requirement of “Turning around struggling school.”</p> <p>In the proposed section, applications will be rated based on: -- 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 states or otherwise restrict student enrollment in charter schools; --how charter authorizers approve, monitor, hold accountable, reauthorize and close charter schools; --the extent to which charter schools are funded equitably including facilities funding and sharing in bonds and mill levies.</p>	<p>NSBA supports charter schools but only if they are authorized by the LEA in the school district where the charters are located. We strongly objected to what appeared to be a grant preference or encouragement for states that removed or greatly raised their charter caps regardless whether such action is justified. NSBA cited the June 2009 Stanford study that only 17 percent of charter students posted higher gains in math; 37 percent posted significantly lower gains; and 46 percent saw no difference in achievement.</p> <p>Specifically, NSBA recommended that ED clarify that states don't need to remove or expand their caps in order to successfully apply for RTTT. In addition, clarification was also needed so states were not encouraged to relax the approval criteria for a charter school in order to demonstrate a greater number of charters.</p>	<p>This section was assigned a maximum of 55 points in a 500-point rubric system.</p> <p>ED rejected calls from other organizations for requiring states to include expanding charter schools in their plans. In addition ED removed the apparent preference for charter schools by moving the charter school reference from under the “turning around struggling schools” selection requirement to the “general” requirement where it more appropriately reflects charter schools’ broader role as a tool in the overall reform, not as a preferred tool.</p> <p>In the discussion part of the final requirements, ED emphasized charter school accountability and the critical role played by charter authorizers, citing the Secretary’s comment that the recent research at Stanford University (cited in NSBA’s comments) on charter schools is “a wake-up call” for the charter community. He has called on charter authorizers to set a higher bar for holding charter schools accountable.</p> <p>The final requirements also give credit to school districts that operate innovative, autonomous public schools (e.g. those that have the flexibility and authority to define their instructional models and curriculum, etc), even if they don't have charter schools.</p> <p>ED softened its stance on removing charter school caps and explained in the discussion part of the final requirements that eliminating the cap is not a condition for RTTT funds. States could earn more points if they don't have caps that severely inhibit charter growth.</p> <p>ED emphasized the use of high performing charter schools as a tool for reform, not just any charter schools. It added a new definition of a high-performing charter school to mean it has been in operation for at least three consecutive years and has demonstrated overall success including substantial progress in improving student achievement.</p>

Issues	Proposed Requirements	NSBA Comments	Final Requirements
Effective/highly effective teachers	<p>Effective teacher means a teacher whose students achieve acceptable rates (at least one grade level in an academic year) of student growth. States may supplement this definition as they see fit so long as teacher effectiveness is judged, in significant measure, by student growth.</p> <p>Highly effective teacher means a teacher whose students achieve high rates (more than one grade level in an academic year) of student growth. States may supplement this definition as they see fit so long as teacher effectiveness is judged, in significant measure, by student growth.</p>	<p>NSBA supported the concept of effective and highly effective teachers. We believed that in addition to using an assessment of student growth, individual school districts should have the flexibility to establish policies to determine whether a teacher is deemed effective or highly effective. NSBA recommended that additional language be included in the proposed definition that would explicitly provide states and school districts with the flexibility to determine criteria that the district-level can use to define an effective teacher and a highly effective teacher.</p>	<p>ED retained the definition that an effective teacher means a teacher whose students achieve acceptable rates (at least one grade level in an academic year) of student growth. It added flexibility for states, LEAS or schools to include multiple measures, provided that teacher effectiveness is evaluated in significant part by student growth. Supplemental measures may include: multiple observation-based assessments of teacher performance.</p> <p>ED retained the definition that a highly effective teacher means a teacher whose students achieve high rates (more than one grade level in an academic year) of student growth. It added flexibility for states, LEAS or schools to include multiple measures, provided that teacher effectiveness is evaluated in significant part by student growth. Supplemental measures may include multiple observation-based assessments of teacher performance or evidence of leadership roles.</p>
Definition: student achievement	<p>Student achievement means, at a minimum: For tested grades and subjects—a student’s score on the state’s assessments under ESEA For non-tested grades and subjects—an alternative measure of student performance such as student performance on interim assessments, rates at which students are on track to graduate from high school, percentage of students enrolled in Advanced Placement courses, etc.</p>	<p>NSBA was concerned that the proposed definitions of student achievement for tested and non-tested grades and subjects are unclear and too restrictive. We recommended that ED clarify that school districts and states would have the flexibility to use other indicators in addition to state assessments, when referring to student achievements. In addition, NSBA asked ED to clarify the language regarding non-tested subjects and recommended that these subjects be referred to STEM related academic subjects, given the priority of advancing STEM in the proposed notice. This also would eliminate any confusion or concern over the provision’s application to all academic and non-academic subjects.</p>	<p>ED acknowledged that some components of the proposed definition were confusing and revised the definition to allow states and school districts to include other measures of student learning—in addition to state assessment results-- when referring to student achievement. The other measures can include the alternative measures cited in the non-tested grades and subjects below.</p> <p>For non-tested grades and subjects, ED gave examples of alternative measures of student learning such as student score on pre-tests and end-of-course tests and student performance on English language proficiency tests, etc. The final definition, however, did not clarify whether and how non-tested non-academic subjects will apply.</p>