



The OEA will lead the way for continuous improvement of public education while advocating for members and the learners they serve.

August 28, 2009

VIA eRulemaking Portal: www.regulations.gov

Secretary of Education Arne Duncan
c/o Office of Elementary and Secondary Education
Attn: Race to the Top Comments
U.S. Department of Education
400 Maryland Avenue, SW, Room 3W329
Washington, DC 20202

Re: Race to the Top Fund {Docket ID ED-2009-OESE-0006}

Secretary Duncan:

On behalf of the 130,000 members of the Ohio Education Association, I wish to express my appreciation for the opportunity to comment on the “Notice of Proposed Priorities, Requirements, Definitions, and Selection Criteria” pertaining to the *Race to the Top Fund*. I speak from our commitment to help shape the continuous improvement of public education in Ohio and the nation. For this reason, OEA supports the Obama administration’s comprehensive, coordinated approach to transformation of the system. Our members strongly believe that all education professionals should not only shape the change, but be the change we need to ensure a great public school for every child. So, OEA applauds the Obama administration for insisting that grant applications have the support of teachers and other education stakeholders.

OEA members understand that true reform is not only possible and attainable, but of major economic and moral significance, particularly at this juncture in American history. This understanding is shared by Ohio’s Governor Ted Strickland and the General Assembly, who recently committed to a major investment in school funding and education reform, partly with the assistance of ARRA funds. We understand this fact: the renewal of public education is crucial to economic recovery and community revitalization.

OEA is interested in the potential of the NGA/CCSSO Common Core State Standards Initiative. This initiative is engaging educators from 46 states in the international benchmarking of standards, a focus on college and career readiness, and the incorporation of 21st century knowledge and skills into the curriculum from early childhood to young adult education. We understand that expectations for our students' learning must be calibrated to – and exceed – those of other nations, without sacrificing those traits commonly associated with America's historic economic and cultural leadership: civility and civic awareness, entrepreneurship, creativity and innovation, technological development, and pragmatic, principled leadership. Only through standards such as these can assessments be built to more accurately assess the full range of student learning for college and career readiness and productive citizenship.

OEA applauds the administration's recognition of the vital role of teachers, both in classroom instruction and as mentors and leaders. How one becomes a teacher, the way a teacher learns from experience and refines practice, and whether or not there are opportunities for teachers to keep pace with changes in academic content and pedagogy are significant factors affecting teacher quality. So, too, is the quality of teaching and learning conditions, one of which is the evaluation system for teachers and principals. A robust evaluation system can be an effective tool for attracting, developing and retaining effective teachers, especially for struggling schools. Such a system would be designed collaboratively by teachers and administrators. Its purpose would be to improve practice and inform professional development through observation by, and consultation with, trained observers who can differentiate practice based on clear, validated standards and indicators using multiple measures. Because educators helped build it, the system would be accepted and respected by the educators as a valid and fair means for improving their practice, strengthening the collective capacity of staff, and counseling out individuals who struggle to perform according to standards. Although student outcomes can be considered as one of several criteria for assessing the practice of teachers and principals, OEA believes as most researchers do that the use of student outcomes as the primary indicator of success is inappropriate to achieve the desired result of a valid, fair and robust educator evaluation system.

OEA approves of the emphasis given to data on student achievement and growth for teacher and administrator use in planning and making adjustments in curriculum and instruction, for identifying professional development needs and goals, and for informing teacher and principal leadership. Through collaborative data analysis and planning tightly focused on student learning, teachers can make a difference in student outcomes. However, we want to express caution: the successful use of student achievement and growth data is most likely to occur only where there is collaboration among teachers and administrators in the design, implementation and refinement of the data systems, and where these processes have been established, renewed and refined through the collective bargaining process. OEA has serious concerns about any required linkage between student data, particularly test scores and value-added data, and consequential decisions about an

educator's performance and/or compensation. Although we do not believe it is the correct use of student data to do so, OEA vigorously supports the right of educators to collectively bargain evaluation and compensation systems that use student data.

As an organization of professional educators, we believe that high-quality teacher preparation – by way of an accredited college program or alternative licensure pathway – is essential, and that every candidate for teaching must meet a consistent set of standards that govern licensure, regardless of the route taken by the applicant. We have deep concerns about the potential negative impact on students and public education of fast-track alternative licensure programs that fail to equip beginning teachers for effective practice, as well as those that under-prepare individuals for sustaining a teaching career.

OEA believes that all schools, including charter schools, need to be held accountable to the same federal and state auditing requirements as Ohio's public elementary and secondary schools. Ohio has over 300 charter schools that, prior to legislation passed in July 2009, were not held fiscally or academically accountable. According to the state report card released last year (2008), 64% of them were rated as failing. Our state's recent school reform legislation better aligns the traditional public school and charter school accountability systems. We are concerned, however, that the Race to the Top rules put the federal government in the position of mandating changes in Ohio that would dilute the quality of our new reform legislation. For these reasons, our association believes that the proposed selection criteria and related rules should be changed to continue to allow Ohio and other states to determine policies for regulating the growth of charter schools based upon their specific state context.

Although we support the Obama administration's overall goals, we have serious concerns about several components of the proposed rules, which we will address in the attachment. Our concerns are as follows:

- (II)(A) Eligibility Requirements: "...a state must not have any legal, statutory, or regulatory barriers to linking student achievement or student growth data to teachers for the purpose of teacher and principal evaluation."
- (B)(1) Fully implementing a statewide longitudinal data system.
- (C)(1) Providing alternative pathways for aspiring teachers and principals . . .
- (C)(2) Differentiating teacher and principal effectiveness based on student growth measures....evaluating teachers based on these data.....making compensation and career mobility decisions based on these data ...
- (D)(2) Increasing the supply of high-quality charter schools.

Finally, OEA is encouraged by sections of the rules that provide for the inclusion of educators in decision making. We would urge the Department of Education to further recognize the collective bargaining process as both a legitimate and productive means for collaboration toward reforms that address local knowledge, aspirations and needs. Top-down, one-size-fits-all fixes usually fail students and foster hard feelings and cynicism among educators and the community. Hence, there are sections of these rules that would benefit from a more specific requirement concerning collective bargaining, such as those addressing decisions about the equitable distribution of teachers in a school and a district, school calendars and schedules, and teacher evaluation and compensation.

Again, we thank you for your consideration of our comments. We look forward to working collaboratively with our colleagues in education, state government and the business and labor communities to prepare a comprehensive, systemic plan that will qualify for Race to the Top funding and boost Ohio's efforts to transform its public education system.

Patricia Frost-Brooks, President

Ohio Education Association
Comments on the Proposed Rules for Race to the Top Funds
August 28, 2009

DATA & DATA SYSTEMS

(II)(A) Eligibility Requirements: "...a state must not have any legal, statutory, or regulatory barriers to linking student achievement or student growth data to teachers for the purpose of teacher and principal evaluation."

The OEA supports the use of data on student achievement and growth for teacher and administrator use in planning and making adjustments in curriculum and instruction, for identifying professional development needs and goals, and for informing teacher and principal leadership.

Successful use of student achievement and growth data is most likely to occur where there is collaboration among teachers and administrators in the design, implementation and refinement of the data systems, and when these processes are established and renewed through the collective bargaining process.

Because existing research has identified currently unresolved issues of validity in the use of test scores and other student achievement and growth data, the OEA expresses serious concerns about and, therefore, strongly recommends against the use of such information as the defining factors in consequential decisions for teacher promotion, dismissal or compensation.

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

The OEA supports the use of robust data systems in which data are used by teachers and administrators to improve curriculum and instruction, guide professional development, inform teacher and principal leadership, and to help identify and influence in positive ways factors external to the school that affect student achievement.

The OEA expresses serious concerns about – and recommends against - any mandatory linkage of student data to educators for consequential decisions about educators' evaluation, promotion and tenure, and/or compensation. Although we do not believe it is the correct use of student data to do so, the OEA vigorously supports the right of educators to collectively bargain evaluation and compensation systems that use student data.

TEACHER QUALITY

(C)(1) Providing alternative pathways for aspiring teachers and principals . . .

The OEA supports the provision of alternative pathways to teacher licensure, provided that the following are evidenced by every candidate in accordance with a consistent set of standards that govern teacher licensure, regardless of the route taken by the applicant:

- preparation in, and demonstration of, the academic or career content knowledge, professional and pedagogical skills, and other specified abilities and requisite experiences for the teaching field;
- successful participation in a new teacher induction program that includes a period of mentoring and professional development provided by a qualified teacher or team of teachers; and
- Completion of a standards-based, summative assessment process as part of a teacher induction program for the purpose of licensure.

The OEA expresses deep concern about the potential negative impact on students and public education of fast-track alternative licensure programs that fail to equip beginning teachers for effective practice, as well as those programs that under-prepare individuals for sustaining a teaching career.

Hence, the OEA recommends safeguards preventing fast-track, alternative licensure programs that fail to prepare every candidates to meet a consistent set of standards that govern teacher licensure, regardless of the route taken by the applicant.

(C)(2) Differentiating teacher and principal effectiveness based on student growth measures....evaluating teachers based on these data.....making compensation and career mobility decisions based on these data.....

The OEA supports the use of regular, standards-based evaluations for teachers that incorporate multiple sources of evidence about teacher practices and performance, provided that any differentiation of teacher effectiveness be based on validated standards and indicators intended primarily to inform professional development and the refinement and improvement of practice.

Because existing research has identified unresolved issues of validity in the use of test scores and other student achievement and growth data, the OEA expresses serious concerns about and, therefore, strongly recommends against the use of such information as the defining factors in consequential decisions for teacher promotion, dismissal or compensation. Although we do not

believe it is the correct use of student data to do so, the OEA vigorously supports the right of educators to collectively bargain evaluation and compensation systems that use student data.

CHARTER SCHOOLS

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

Currently, Ohio has over 300 charter schools operating across the state. Unfortunately, the law that created chartered schools in Ohio did not hold them accountable fiscally or academically. Thus, according to the state report card released last year (2008), 64% of the charter schools operating in Ohio were rated as failing.

The Ohio Education Association believes that all schools, including charter schools, need to be held fiscally and academically accountable. We also believe that charter schools should be subject to the same federal and state auditing requirements as public elementary and secondary schools. The OEA also believes that teachers employed in charter schools should be state-licensed and should meet the highly-qualified criteria established in No Child Left Behind.

Recent legislation passed in Ohio (HB 1), which included comprehensive and systemic education reform measures, partially addressed the lack of accountability for the hundreds of charter schools around the state. This legislation better aligns the accountability systems for charter schools with those of traditional public schools. It is an approach that will ensure that the growth in the number of charter schools will be manageable and will assist in the state's efforts to make sure that they are successful and provide a high-quality education for their students.

The OEA believes that some of the proposed requirements for the Race to the Top funds put the federal government in the position of mandating top-down reforms on states like Ohio by forcing them to enact legislation that would dilute the quality of their education system, and those such as the charter school rules disregard the state's authority over public education policy. We further believe that it is not the role of the federal government to mandate state policy in the area of charter schools.

For these reasons, the OEA believes that (D)(2) should be removed from the Race to the Top selection criteria and the federal government must continue to permit states to determine policies for regulating charter school growth based upon their specific state context.