



COMMONWEALTH of VIRGINIA

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August 26, 2009

The Honorable Arne Duncan
Secretary of Education
United States Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

Dear Secretary Duncan:

Thank you for the opportunity to provide comments regarding the proposed requirements for the State Fiscal Stabilization Funds - Phase 2 (SFSF-2) application and the Race to the Top (RTTT) application. I am aware that Governor Kaine has also been in communication with you to address proposed requirements that may affect Virginia.

The Virginia Department of Education has key concerns with the indicators in the following areas: role of common standards and assessments in federal funding, reporting teacher and principal effectiveness, and data collection and reporting. When I signed the four assurances that were required to receive SFSF, I was confident that Virginia was well on track to making improvements in teacher effectiveness and equitable distribution of teachers in low- and high-poverty schools; making progress toward college- and career-ready standards and rigorous assessments; improving achievement in low-performing schools; and gathering and using data to improve student learning, teacher performance, and college and career readiness. These four assurance areas that are identified in the SFSF are important education reform areas.

I encourage the U.S. Department of Education to review carefully Virginia's enclosed formal comments on RTTT and SFSF. The Virginia Department of Education has spent a great deal of time reviewing the proposed requirements, providing insight into areas that will present challenges to localities and states, and offering suggestions along with research to support those suggestions. We will also submit these comments in the format outlined in the *Federal Register*.

The Honorable Arne Duncan
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Thank you again for providing states with the opportunity to review the proposed requirements. I look forward to our continued work together to improve education in our country.

Sincerely,

A handwritten signature in cursive script, appearing to read "Patricia I. Wright".

Patricia I. Wright, Ed.D.
Superintendent of Public Instruction

PIW/jm

Enclosures

**Virginia Department of Education
Comments on Proposed Race to the Top Requirements
August 26, 2009**

SFSF = State Fiscal Stabilization Funds

RTTT = Race to the Top

SLDS = State Longitudinal Data System

Reference	Comment
General	
Fund Distribution to LEAs	
<p>States must use at least 50 percent of the award to provide subgrants to LEAs based on the LEAs relative shares of funding under Part A of Title I of the Elementary and Secondary Education Act (ESEA).</p> <p>Allow states the flexibility to determine both the amount of the award that they will provide in subgrants to the LEAs as well as the funding formula. States best understand and can determine the needs of the school divisions in their states. Dictating the amount of the award as well as the funding formula does not allow states to address their individual needs of their school divisions. The Title I funding formula is based on the number of children in poverty as determined by the most recent census. This formula does not take into consideration the most recent economic impact of funding reductions at both the state and local school division levels.</p>	
Statewide Impact on Pilot Work in a Limited Number of LEAs	
<p>Presumably, not all school divisions would be eligible (or perhaps interested) in participating in RTTT grant activities. However, most of the conditions to which states must agree would apply to ALL school divisions in the state (common standards; potential need to implement a growth model assessment system for teacher effectiveness determinations, etc.).</p> <p>Is this economically and realistically feasible for all school divisions to handle, especially if they are not eligible for participation in the grant (and thus will not receive increased funding to implement the requirements)?</p>	
Deadlines	
<p>For “the State to be eligible for the Race to the Top Phase 2 competition, the State’s application for funding under Phase 1 and Phase 2 of the Stabilization program must be approved by the Department prior to the State submitting its Race to the Top Phase 2 application.”</p> <p>How can a state apply in RTTT Phase 1 by December if SFSF approvals are not expected until the end of December?</p>	
I. Proposed Priorities	
Proposed Priority 1	<p>Absolute Priority – Comprehensive Approach to the Four Education Reform Areas</p> <p>Will the maximum points and weighting for the criteria in the four reform areas be equal?</p>
Proposed Priority 3	<p>Invitational Priority – Expansion and Adaptation of Statewide Longitudinal Data Systems</p> <p>This priority invites states to work together to adapt an SLDS to meet the needs of multiple states. Since states must apply for RTTT funds separately, more guidance is needed on how the state applications should be written. Would both states include the information in their applications with one of the states proposed as the lead for this work, which would seem to be necessary as the collaborative effort would be an important component of both states’ data system enhancements? What if only one of the states’ applications were approved? What would happen to that component of the work? Also, see comment for (E)(5)(iv).</p>

Reference	Comment
II. Requirements	
A. Eligibility Requirements	<p>In order to meet eligibility requirements, a state must have no “legal, statutory, regulatory barriers to linking student achievement or student growth data to teachers for the purpose of teacher and principal evaluation.”</p> <p>In Virginia, the state has no control over the performance evaluation systems of LEAs because of the autonomous nature of local school boards. The Constitution of Virginia vests the authority for the day-to-day operations of local school divisions (LEAs) with their local school boards. Teachers and other LEA personnel are employed by local school boards.</p>
B. Application Requirements	<p>Setting of Graduation Rate Target for 2009-2010</p> <p>B(e) The proposed notice requires a state to include a budget that details how it will use grant funds and other resources to meet targets and perform related functions, including how it will use funds awarded under this program to-- (1) Achieve its targets for improving student achievement and graduation rates and for closing achievement gaps (as described in Overall Selection Criterion (E)(4)); ...”</p> <ul style="list-style-type: none"> • This requirement assumes that states have set the goal and established targets for their cohort graduation rate requirement. • The final regulations require that states use the goal and targets to be used for AYP determinations based on school year 2009-2010 assessment results. • Virginia’s State Board has not yet established the statewide target or set goals. If goals and targets are established in the fall of 2009, it is not clear that USED will approve the changes to Virginia’s workbook by the time the application is submitted. How will this impact the state’s chances at being awarded the funds? <p>It may be more appropriate to view the use of the student data in terms of how a state can improve general K-12 programs, which would include looking at supports such as professional development, rather than tying the use of the data to only teacher and principal evaluation.</p> <p>Verification of State Law</p> <p>(B)(h) The proposed requirements state: “The State must submit a certification from the State Attorney General, or other chief State legal officer, that the State’s description of, and statements and conclusions concerning State law (for example, with respect to the Eligibility Requirement regarding teacher effectiveness or any of the applicable Selection Criteria) in its application are complete, accurate, and constitute a reasonable interpretation of State law.”</p> <p>With respect to the requirements for teacher effectiveness selection criteria, Virginia has no specific prohibition for meeting the requirements, and in fact there is a requirement in the <i>Code of Virginia</i> that teachers be evaluated in part by accounting for student progress.¹ Is this sufficient to meet the requirement?</p>

¹ § 22.1-295. Employment of teachers.

C. School boards shall develop a procedure for use by division superintendents and principals in evaluating instructional personnel that is appropriate to the tasks performed and addresses, among other things, student academic progress and the skills and knowledge of instructional personnel, including, but not limited to, instructional methodology, classroom management, and subject matter knowledge.

Instructional personnel employed by local school boards who have achieved continuing contract status shall be evaluated not less than once every three years. Any instructional personnel, who has achieved continuing contract status, receiving an unsatisfactory evaluation who continues to be employed by the local school board shall be evaluated no later than one year after receiving such unsatisfactory evaluation. The evaluation shall be maintained in the employee’s personnel file.

Each local superintendent shall annually certify divisionwide compliance with the provisions of this section to the Department.

Reference	Comment
<p>C. Annual Report and Performance Measures</p>	<p>Performance to Determine State Success The notice does not specify what measures the Department will use to determine if a state is meeting its goals, timelines, budget and annual targets. The Department needs to be transparent regarding the measure that will be used to evaluate state’s progress toward the goals so that states understand the metric upon which their performance will be measured.</p>
<p>D. Other Program Requirements</p>	<p>Evaluation (a) The language in the Federal Register states: “The State and its participating LEAs must use funds under this program to participate in a national evaluation of the program, if the Department chooses to conduct one. In addition, the Department is seeking comment 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. The Department will announce in the notice inviting applications the evaluation approach(es) that will be required.”</p> <p>It is not clear how comprehensive this evaluation will be and how much administrative burden it would entail. Furthermore, if a state (SEA or LEA) does not have sufficient RTTT funds to support the cost of such an evaluation, then alternative funding sources may need to be found. How will the evaluation data be used?</p> <p>If states are required to conduct their own evaluations, then 1) any requirements for <u>impact</u> evaluations should be limited to major state investments in which reasonably rigorous evaluations are feasible given implementation approach. This will avoid situations in which programs are designed specifically to meet stringent requirements for evaluation methodologies like randomized controlled trials, and encourage states to work with evaluators to develop programs that work in practice and can include sufficiently strong evaluation as to inform policy and program; and 2) USED should encourage states to use any required evaluation funds to assess impact but <u>also</u> to provide regular updates to program directors and policymakers so that the evaluations support course correction and program improvement throughout the grant program.</p> <p>Public Availability of Data Tools (c) The proposed notice requires that all data tools that states develop within the SLDS be freely available to the public. This can present challenges for states like Virginia that rely on subscriptions to copyrighted services for data warehousing. The state makes all tools it develops available, and consistent with FERPA and state privacy laws, also makes all data that are not considered to contain personally identifiable information available. However, states like Virginia would be required to build new systems to meet this requirement.</p>

Reference	Comment
III. Selection Criteria	
A. Standards & Assessments	
(A)(1) Developing and adopting common standards	State Reform Conditions Criteria
<p>(i) For Phase 1 applications: 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 (as defined in this notice) that are internationally benchmarked and that build toward college and career readiness by the time of high school graduation, and the extent to which this consortium includes a significant number of States.</p>	<p>Requirement to Develop and Adopt Common Standards The requirement that states collaborate to develop and adopt common standards fails to recognize that there are currently states that have developed standards that may be internationally benchmarked and that build toward college and career readiness. The current requirements seem to place more value on membership in a consortium of states that are collaborating to develop common standards than on the quality of the standards themselves. Perhaps a fairer approach would be to have an external review process in which a state's standards would be reviewed for rigor, preparation for college and career readiness, and international benchmarking. Those states whose standards meet these criteria would be eligible for RTTT funding.</p> <p>The requirement for states to adopt and implement common standards will impact all school divisions in the state; not only those participating in the RTTT grant. For states that do not currently have approved standards or assessments tied to those standards, this would most likely be quite beneficial. But Virginia and other states have demonstrated success in establishing rigorous standards and accompanying assessments and have proven track records in improving student achievement through this approach. Allow those states with such records the ability to continue to use their own standards and assessments as long as they can continue to demonstrate success in student achievement.</p>
<p>(ii) For Phase 2 applications: Whether the State has demonstrated commitment to improving the quality of its standards by adopting, as part of a multi-State consortium, a common set of K-12 standards (as defined in this notice) that are internationally benchmarked and that build toward college and career readiness by the time of high school graduation, and the extent to which this consortium includes a significant number of States.</p>	<p>Requirement to Develop and Adopt Common Standards The requirement that states collaborate to develop and adopt common standards fails to recognize that there are currently states that have developed standards that may be internationally benchmarked and that build toward college and career readiness. The current requirements seem to place more value on membership in a consortium of states that are collaborating to develop common standards than on the quality of the standards themselves. Perhaps a fairer approach would be to have an external review process in which a state's standards would be reviewed for rigor, preparation for college and career readiness, and international benchmarking. Those states whose standards meet these criteria would be eligible for RTTT funding.</p> <p>Many states have demonstrated success in establishing rigorous standards and accompanying assessments and have proven track records in improving student achievement through this approach. Allow those states with such records the ability to continue to use their own standards and assessments as long as they can continue to demonstrate success in student achievement.</p>

Reference	Comment
<p>(A)(2) Developing and implementing common, high-quality assessments</p> <p>Whether the State has demonstrated a commitment to improving the quality of its assessments by participating in a consortium of States that is working toward jointly developing and implementing common, high-quality assessments (as defined in this notice) aligned with the consortium's common set of K-12 standards (as defined in this notice) that are internationally benchmarked and that build toward college and career readiness by the time of high school graduation, and the extent to which this consortium includes a significant number of States.</p>	<p>Joint Development and Implementation of Common Assessments</p> <p>The requirement for common assessments focuses more on collaboration than on the quality of the assessments. Many states have demonstrated success in establishing rigorous standards and accompanying assessments and have proven track records in improving student achievement through this approach. Allow those states with such records the ability to continue to use their own standards and assessments as long as they can continue to demonstrate success in student achievement.</p>
B. Data Systems to Support Instruction	
<p>(B)(1) Fully implementing a statewide longitudinal data system</p>	State Reform Conditions Criteria
<p>The extent to which the State has a statewide longitudinal data system that includes all of the elements specified in section 6401(e)(2)(D) of the America COMPETES Act (as defined in this notice).</p>	<p>Completion of a Data System Containing All Elements of the America COMPETES Act</p> <p>States should be given credit for meeting all data elements OR meeting a majority of the data elements with a budget and plan for completion with or without the need for federal funds.</p>
C. Great Teachers and Leaders	
<p>(C)(1) Providing alternative pathways for aspiring teachers and principals</p>	State Reform Conditions Criteria
<p>The extent to which the State has in place legal, statutory, or regulatory provisions that allow alternative routes to certification (as defined in this notice) for teachers and principals, particularly routes that allow for providers other than institutions of higher education; and the extent to which these routes are in use.</p>	

Reference	Comment
(C)(2) Differentiating teacher and principal effectiveness based on performance	Reform Plan Criteria
<p>The extent to which the State, in collaboration with its participating LEAs, has a high-quality plan and ambitious yet achievable annual targets to</p> <ul style="list-style-type: none"> (a) determine an approach to measuring student growth (as defined in this notice); (b) 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 a Significant factor; (c) provide to each teacher and principal his or her own data and rating; and (d) use this information when making decisions regarding <ul style="list-style-type: none"> (i) Evaluating and developing teachers and principals, including by providing timely and constructive feedback and targeted professional development; (ii) Compensating and promoting teachers and principals, including by providing opportunities for teachers and principals who are highly effective (as defined in this notice) to obtain additional compensation and responsibilities; and (iii) Granting tenure to and dismissing teachers and principals, based on rigorous and transparent procedures for awarding tenure (where applicable) and for removing tenured and untenured teachers and principals after they have had ample opportunities to improve but have not done so. 	<p>SEA Participation in LEA Teacher Evaluation In Virginia, the state has little control over the performance evaluation systems of LEAs because of the autonomous nature of local school boards. Performance evaluation systems will differ among Virginia LEAs. The Constitution of Virginia vests the authority for the day-to-day operations of local school divisions (LEAs) with their local school boards. Teachers and other LEA personnel are employed by local school boards.</p> <p>Establishing Equity in Teacher Distribution The use of an analysis of teacher evaluation systems' data to achieve equity in teacher distribution is not recommended. Student achievement must be one criterion in teacher evaluation; however, the proposal's emphasis is on reporting systems and performance ratings, which in and of itself will not impact teacher quality. Additionally, the additional burden on LEAs would be significant.</p> <p>Use of Student Achievement as a Criterion for Evaluation Information from teacher effectiveness models is to be used when making decisions regarding annual evaluations. Note that the <i>Code of Virginia</i> does not require annual teacher evaluations for teachers who have achieved continuing contract status¹. Thus, it would be difficult to determine student growth from year to year.</p> <p>Local education agencies may have concerns with reporting teacher/principal data if instruments used are not the same throughout Virginia.</p> <p>Proposed selection criteria and performance measures for (c)(2): The plan is to develop methodology and provide information on teacher and principal effectiveness to individuals. The measure and presumably targets are the number and percentage of teachers and principals who are effective. It is likely that in many states, including Virginia, the actual data from these models will not be in place in the first few years of the grant, as they are just developing and validating the models.</p> <p style="padding-left: 40px;">In such cases, will USED accept other performance measures and a transition plan for these measures?</p> <p>There is an implicit assumption that statistical models such as "value-added" models will be part of the methodology used to evaluate teacher and principal effectiveness. A significant limitation of these models is that research shows that valid models should include fixed effects at the school level in order to accurately capture teacher impact (Harris & Sass, 2006).² However, including this requirement also limits the value of the measure, in that it only compares teacher effectiveness within the school itself. If the goal is to have more even distribution of effective teachers between schools, then value-added modeling is not likely to be helpful in developing measures—because eliminating school-level fixed effects introduces known biases into the evaluation system, and including them means you can only understand the relative effectiveness within a school. As such, more sophisticated models that include more data will be necessary. These models will take time and resources to develop. Part of the Race to the Top application is to develop a high-quality plan to determine an approach to measuring student growth and also to apply this approach to develop a methodology to differentiate teacher and principal effectiveness. Yet several of the proposed performance measures and annual targets assume that these measures are already in place.</p> <p style="padding-left: 40px;">In states in which no current statewide teacher effectiveness ratings are available, will USED accept transition measures and targets, or possibly progress measures?</p>

² Harris, D.N. & Sass, T.R. (2006). Value-added models and the measurement of teacher quality. Downloaded August 3, 2009 from http://www.teacherqualityresearch.org/value_added.pdf.

Reference	Comment
<p>(C)(4) Reporting the effectiveness of teacher and principal preparation programs</p>	
<p>The extent to which the State has a high-quality plan and ambitious yet achievable annual targets to link a student's achievement data to the student's teachers and principals, to link this information to the programs where each of those teachers and principals was prepared for credentialing, and to publicly report the findings for each credentialing program that has twenty or more graduates annually.</p>	<p>Linking Student Achievement to Teacher and Principal Preparation Programs Linking student achievement data to the programs where teachers and principals were prepared for credentialing would require data systems to be integrated across the country and sometimes across the world. Teachers and principals serving in one state may have received their credentials outside of the state and perhaps outside of the United States. There needs to be clarification of whether the intent is to link the data only within a state.</p> <p>Teachers completing an alternate route may have been prepared in a Virginia college or university, but they are not considered an approved program completer. Linking the teacher to an institution when he or she may have completed coursework and/or degrees from multiple institutions is challenging. For example, an individual may have a bachelor's degree with a major in elementary education from "University A" and a master's degree in special education from "University B" and is assigned as an elementary inclusion teacher. Will the individual be linked to both programs?</p> <p>Reporting teacher/principal preparation programs from which greater than 20 graduates are produced annually. Is this expected only for public entities or will it be necessary for private colleges/universities as well? If a state hires more than 20 graduates from a university in another state, will it be expected to collect the requisite data from out-of-state universities as well, whether or not those states are participating in the RTTT grant? Will it be necessary for our data system to be able to link with data systems in other states as well?</p> <p>Proposed Performance Measures The narrative indicated the need to report on the number and percentage of effective teachers/principals in high-poverty schools. Presumably, would states also need to collect/report on teachers/principals in low-poverty schools as well to determine if a gap exists? The chart also asks for number and percentage of effective mathematics teachers, as well as science teachers. Is this also just for high-poverty schools? Or for all schools?</p>
<p>(C)(5) Providing effective support to teachers and principals</p>	
<p>The extent to which the State, in collaboration with its participating LEAs, has a high-quality plan to use rapid-time (as defined in this notice) student data to inform and guide the support provided to teachers and principals (e.g., professional development, time for common planning and collaboration) in order to improve the overall effectiveness of instruction; and to continuously measure and improve both the effectiveness and efficiency of those supports.</p>	<p>Providing Rapid-Time Data Providing "Rapid-Time" data to teachers (for example scores within 72 hours of testing) may not be possible for some assessments such as writing and constructed response, which cannot be scored by a computer.</p>

Reference	Comment
D. Turning Around Struggling Schools	
(D)(1) Intervening in the lowest-performing schools and LEAs	State Reform Conditions Criteria
<p>The extent to which the State has the legal, statutory, or regulatory authority to intervene directly in the State's persistently lowest-performing schools (as defined in this notice) and in LEAs that are in improvement and corrective action status.</p>	<p>State Intervention in Persistently Low-Performing Schools In Virginia, the state cannot undertake alternative governance at the local level. The Constitution of Virginia vests the authority for the day-to-day operations of local school divisions (LEAs) with their local school boards. Instead, the SEA works collaboratively with LEAs to institute reform, but this is ultimately the responsibility of the local school board. How can an SEA intervene directly in a LEA if it lacks the constitutional authority to do so?</p>
<p>(D)(2) Increasing the supply of high-quality charter schools</p>	<p>Increasing the Number of Charter Schools The requirement to increase the supply of high-quality charter schools excludes certain states by their own statutes (p.32) and creates an issue of equity, or at least of funds going to only a certain set of states based on conditions outside of the executive purview of authority granted to departments of education. Allow states the flexibility to determine their own strategies for turning around low-performing schools inclusive of charters, but not requiring charters as an option. Virginia has had more success in turning around low-performing schools through an intensive focused coaching model than through the charter schools effort. Additionally, a recent Education Policy Research Report by Mathis³ (April 2009) stated that states should refrain from relying on restructuring sanctions (takeovers, private management, charters, and reconstitutions) to effect school improvement as they have provided negative by-products without yielding positive systemic improvements.</p>
<p>(i) 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 State (as measured by the percentage of total schools in the State that are allowed to be charter schools) or otherwise restrict student enrollment in charter schools.</p>	<p>Charter School Laws in Virginia Charter school laws differ from state to state. Virginia does not have many charter schools but LEAs do implement innovative programs designed to improve low-performing schools. These programs would not fall under the definition of charter schools in Virginia law. The RTTT requirements refer to charter schools as vehicles for supporting struggling schools but these schools are not the only type of innovative programs being implemented locally. More recognition of other alternative programs would be beneficial to states and could expand eligibility criteria.</p>

³ Mathis, William J., NCLB's Ultimate Restructuring Alternatives: Do They Improve Education. (April 2009) Education Policy Research Report.

Reference	Comment
(D)(3) Turning around struggling schools	Reform Plan Criteria
<p>The extent to which the State has a high-quality plan and ambitious yet achievable annual targets to</p> <p>(ii) support its LEAs in turning around these schools by—</p> <ul style="list-style-type: none"> • Putting in place new leadership and a majority of new staff, new governance, and improved instructional programs, and providing the school with flexibilities such as the ability to select staff, control its budget, and expand the learning time; or • Converting them to charter schools or contracting with an education management organization (EMO); or • Closing the school and placing the school's students in high performing schools; or • To the extent that these strategies are not possible, implementing a school transformation model that includes: hiring a new principal, measuring teacher and principal effectiveness (as defined in this notice), rewarding effective teachers and principals (as defined in this notice), and improving strategies for recruitment, retention, and professional development; implementing comprehensive instructional reform, including an improved instructional program and differentiated instruction; and extending learning time and community-oriented supports, including more time for students to learn and for teachers to collaborate, more time for enrichment activities, and ongoing mechanisms for family and community engagement. 	<p>Limited Options for School Turnaround There is a concern about limiting states to four options to turn around low-performing schools (pp. 34-35) instead of allowing states the flexibility to choose the strategy or strategies that they know to be successful. If a state can demonstrate that it has been able to turn around low-performing schools through methods other than those specified in the notice of proposed priority requirements, the state should have the flexibility to implement additional models.</p> <p>Hiring and Firing of Personnel in School Divisions Many of the strategies refer to changing staff or other transformation models that are limited in Virginia by current statute regarding hiring and firing of teachers and principals.</p>
E. Overall Selection Criteria	
(E)(1) Demonstrating significant progress	State Reform Conditions Criteria
(iii) Created, through law or policy, conditions favorable to education reform and innovation	<p>Determination of “Conditions Favorable to Education Reform” Conditions to be met include those “conditions favorable to education reform and innovation.” How will this measure be judged? Other parts of the narrative are specific in terms of teacher and principal evaluation data and charter schools.</p>

Reference	Comment
(E)(3) Enlisting statewide support and commitment	
<p>(iv) LEAs, including public charter schools identified as LEAs under State law, with special emphasis on the following: high-need LEAs (as defined in this notice); participation by LEAs, schools, students, and students in poverty; and the strength of the Memoranda of Understanding between LEAs and the State, which must at a minimum be signed by the LEA superintendent (or equivalent), the president of the local school board (if relevant), and the local teachers' union leader (if relevant).</p>	<p>MOUs Between the SEA and LEAs The creation of a MOU between the SEA and the LEAs enlisting statewide support from LEAs, which must be signed by a minimum of the superintendent and the president of the local school board, would be burdensome to the SEA and LEAs. How will this process be implemented and how often would the document have to be updated? Could this not be handled through a process that allows SEAs to have the latitude to design a stakeholder input process in accordance with state and local needs?</p>
(E)(5) Building strong statewide capacity to implement, scale, and sustain proposed plans	
<p>(iv) Collaborate with other States on key elements of or activities in the State's application; and</p>	<p>Inconsistency in Addressing State Collaboration to Establish Data Systems This requirement appears to be the same as Proposed Priority 3, which is described as "invitational," meaning that USED is interested in receiving applications that meet the priority but that they would not give an application that meets an invitational priority preference over other applications. This selection criterion seem inconsistent with the notion that cross-state data system building is an "invitational priority." If USED is encouraging cross-state collaboration <u>across the board</u>, there needs to be very clear guidance on how such partnerships should be structured in these competitive grant applications.</p>

Reference	Comment
IV. Definitions	
<p>Definitions of Effective and Highly Effective Teachers and Principals</p>	<p>Criteria to Determine Effective and Highly Effective Teachers and Principals Why is the definition of effective/highly effective teachers/principals solely related to student test data instead of multiple measures? (NCCTQ published a working definition of a highly effective teacher, composed of five elements, which seems more comprehensive in <i>"A Practical Guide to Evaluating Teacher Effectiveness,"</i> April 2009)</p> <p>Validity of Student Assessments in Teacher and Principal Evaluations If tests are valid only for the purpose for which they were developed, and teacher effectiveness was not considered at the time of development, is it appropriate to use student achievement tests for this additional use?</p> <p>Need for an Assessment Growth Model? If "effective" teachers/principals and "highly effective teachers/principals" are defined by one or more years of student growth, and we use summative tests, will it be necessary for states to move to a growth model for our assessment system in order to qualify for this grant? This will be a massive undertaking. In the absence of a growth model, is it presumed that if a student passes the end-of-year test for a particular grade, that one full year of growth has been established? How would "greater than one year of growth" be determined if a state did not have a growth model in place? In those states, it would appear impossible for "highly effective" teachers and principals to be identified, based on the current definition. How would effectiveness be determined in lower grades or non-tested areas when student achievement data are not available?</p> <p>Use of a Value-Added System of Teacher Evaluation If a value-added system of teacher evaluation is encouraged by USED, and data are not available for novice or lower elementary teachers (or teachers in non-tested areas), how will it be possible to determine which teachers are effective or highly effective?</p> <p>There seems to be some potential for conflict between adopting the definition of "effective" teachers/principals in RTTT as compared with the value-added system prescribed in SFSF. If we were to adopt a value-added model using predictive scoring that identifies an effective teacher as one whose students perform at the expected level for each child in that class (which may or may not be one grade level), which definition would be acceptable?</p>

Reference	Comment
<p>The proposed definition of persistently lowest performing schools limits the use of the funds to Title I schools in Title I School Improvement or equally low performing schools that are Title I eligible, but do not receive Title I funds. (pgs. 42-43) Additionally, the reform plan criteria further restricts the definition to the lowest-achieving five percent of the persistently lowest performing schools. (p. 34)</p>	<p>Unintended Consequences in Implementing the Proposed Definition of Persistently Lowest-Performing Schools</p> <p>If Virginia were required to use these funds on the lowest-achieving five percent of the persistently lowest-performing schools according to the definition, Virginia would need to direct the funds to 5.5 schools (5 percent of 110 schools in Title I School Improvement for the 2009-2010 school year).</p> <p>Broadening the definition of lowest-performing schools to include all schools (regardless of Title I eligibility status) with reasonably high pass rates on assessments, but low graduation rates would allow states to focus funds on the schools with the greatest need. Releasing the cap of 5 percent and allowing states to determine the percentage of schools served would also allow states to serve the schools with the greatest need. The definition also takes into consideration absolute graduation rates and improvements if accurate measures are available to demonstrate improvements in the graduation rate.</p> <p>The RTTT definition of persistently lowest-performing schools refers to Title I schools in improvement as well as the equally low-achieving middle and high schools that are not receiving funds. The SFSF uses different criteria for lowest-performing, i.e., only those Title I schools in improvement. This will be confusing as states would have two lists of lowest-performing schools, one for SFSF and one for RTTT. The definition of “lowest-performing school” should be the same for both SFSF and RTTT.</p>
<p>Student growth is defined as the change in achievement data for an individual student between two points in time. (p.43)</p>	<p>Demonstration of Student Growth</p> <p>Allow states applying for funding to provide a timeline and plan for how students in their states will demonstrate “growth” as opposed to requiring this model to be implemented in order to receive funding.</p>