



COMMONWEALTH of VIRGINIA

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DEPARTMENT OF EDUCATION
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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*.

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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 State Fiscal Stabilization Funds - Phase 2 Requirements
August 26, 2009**

SFSF = State Fiscal Stabilization Funds

RTTT = Race to the Top

SLDS = State Longitudinal Data System

Descriptor	Comment
General	
<p>Commendation</p> <ul style="list-style-type: none"> We appreciate that where possible USED will use data that are already collected by states. We also appreciate that the department has attempted to integrate and coordinate their approach across the various ARRA programs. <p>Application Format</p> <ul style="list-style-type: none"> Please consider providing states with a template for reporting the required SFSF indicators and plans. <p>Deadlines and Funding Sources</p> <ul style="list-style-type: none"> Many of the proposed requirements are dependent on the development or completion of a SLDS that contains all 12 elements of the America COMPETE Act and that must be completed by September 30, 2011. However, there is nothing in the ARRA statute that sets a deadline for state establishment of the proposed system. Such an aggressive deadline imposes a burden on states from both a fiscal and human resource standpoint. The application requires the development of a state plan to meet the data requirements by September 30, 2011, without additional state administrative resources through the SFSF. Consider allowing states the flexibility to include potential resources from Race to the Top and/or Longitudinal Data systems grants to show how they would meet the requirements. <p>FERPA Guidance</p> <ul style="list-style-type: none"> It would be helpful if USED released the FERPA guidance prior to or concurrent with the final SFSF application. Our data systems will have to be designed according to that guidance. Without the guidance we will not be able to continue to work toward fully developing certain aspects of the system. <p>Eligibility Requirements</p> <ul style="list-style-type: none"> 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.” 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. In Virginia, the state has no control over the performance evaluation systems of LEAs because of the autonomous nature of local school boards. Rather than looking at student achievement only as a means of teacher and principal evaluation, it may be more appropriate to view its use in terms of how states can improve general K-12 programs, which would include looking at supports such as professional development. 	
(a) Achieving Equity in Teacher Distribution	
<p>Descriptor (a)(1)</p> <p>Describe, for each LEA in the State, the <u>systems used to evaluate the performance of teachers</u></p>	<p>Variability of LEA Performance Evaluation Systems</p> <ul style="list-style-type: none"> The proposed requirements ask states to describe the systems of teacher evaluation in its LEAs. LEAs have varied models regarding performance assessment vs. performance evaluation. It is not clear how, with such varying systems, scales, etc., it would be possible to calibrate a “highly-effective or distinguished” teacher from one LEA to the next LEA. Student achievement outcomes alone should not be the central factor of teacher effectiveness and evaluation. <p>“Describing” 132 (Number of LEAs in Virginia) reporting teacher evaluation systems may not be the best approach to improving student achievement, as well as teacher and administrative performance. There does not seem to be a clear purpose for describing a multitude of teacher evaluation systems across a state and the country.</p> <p>For the “descriptive information” on each LEAs evaluation system, what type of information would be included? Will a rubric be provided that will include the particular information that USED is seeking about these systems?</p>

Descriptor	Comment
<p>Descriptor (a)(1) [Cont.]</p> <p>Describe, for each LEA in the State, the <u>systems used to evaluate the performance of teachers</u></p>	<p>Use of Evaluation Systems to Determine Equity of Teacher Distribution</p> <ul style="list-style-type: none"> 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>Relationship of Evaluation Systems to Student Achievement</p> <ul style="list-style-type: none"> The proposal requests reporting types of evaluation systems and the performance ratings of teachers and principals. The effectiveness of teachers and principals is a significant, but not the only, factor related to student achievement. However, requiring the reporting of teacher evaluation systems and performance ratings will not have a direct link to students' achievement. This process will add additional burden to states, LEAs, and principals. The reporting may cause unintended consequences, such as principals (who have the primary responsibility for the evaluation of teachers) to rate teachers "average" to avoid the conflict of public scrutiny of evaluation ratings. <p>Burden of Data Collection for Evaluation Systems</p> <ul style="list-style-type: none"> The proposal indicates that an estimated 360 (state) hours will be needed to develop and administer the school division survey. What kind of information will be required in this survey? If the data collection on performance evaluation systems will be conducted annually, it is rather shortsighted to suggest a survey. A formal data collection process would need to be put in place. This would increase the burden in the first year. Additionally, LEAs will need more than three hours per year to report the data. We would estimate at least three days to pull the data and check it for accuracy. Estimates of the time to accomplish the data collection and reporting are unrealistic because evaluation systems vary greatly among divisions. Even within school divisions, evaluations differ because of the type of position the individual holds (such as elementary teachers, library media specialists, guidance counselors, principals, etc.). There may be multiple evaluation instruments even within a division. The presumption that small school divisions will either have teacher and principal evaluation information readily available on a centralized data system to post publicly or that collecting the information manually will be a simple process is problematic. Even if a small system only had 100 teachers, if the information was only available on paper evaluations, this would be a significant task for someone to accomplish, especially in light of small staffs.

Descriptor	Comment
<p>Indicator (a)(2)</p> <p>Indicate, for each LEA in the State, <u>whether the systems</u> used to evaluate the performance of teachers, if any, <u>include student achievement outcomes as an evaluation criterion</u></p>	<p>SEA Participation in LEA Teacher Evaluation</p> <ul style="list-style-type: none"> In Virginia, the state has little 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. Performance evaluation systems will differ among Virginia LEAs. To accomplish this requirement, the state would have to collect a good deal of additional information from LEAs, which could be a significant burden on school division central offices and on the schools themselves. <p>Emphasis on Student Achievement as Sole Criterion to Determine Effective Teachers</p> <ul style="list-style-type: none"> The notice of proposed requirements, definitions, and approval criteria implies that improved student achievement outcome is the only quality that determines an effective teacher. <p>Infrequency of Evaluation Inhibits Ability to Determine Annual Student Growth</p> <ul style="list-style-type: none"> While instructional personnel are required to be evaluated in Virginia in a way that incorporates student academic progress, not all teachers are required to be evaluated every year. Thus it would be difficult to evaluate teachers using student achievement outcomes.
<p>Indicator (a)(3)</p> <p>Provide, for each LEA in the State whose teachers receive performance ratings or levels through an evaluation system, <u>the number and percentage (including numerator and denominator) of teachers rated at each performance rating or level</u></p>	<p>Variability of Performance Evaluation Models for Teachers</p> <ul style="list-style-type: none"> Each LEA in a state may use a different rating scale, with a different number of categories, different category labels, and different approaches to collecting information to apply to teacher and principal evaluation. Given the lack of consistent information, it is not clear how the vastly different information from different LEAs will help States and other stakeholders correct inequities in the distribution of effective teachers. <p>Burdensome Data Collection</p> <ul style="list-style-type: none"> The proposed requirements ask states to provide data on the distribution of teacher and principal performance ratings or levels in its LEAs and an indication of whether the ratings or levels are available to the public by school for each LEA. Requiring LEAs to report these data to the state will be costly and labor intensive. For most LEAs, it will require additional personnel in order to oversee and coordinate such a data collection process on an annual basis. <p>Determination of Teacher Impact on Student Achievement</p> <ul style="list-style-type: none"> It is not clear how “individual teacher impact on student achievement” would be determined. Research indicates, that in fact, value added models do not permit analysis of whether there is equitable distribution of effective teachers because of the inherent limitations of the value-added models. Valid value-added models can only provide information on relative impact of individual teachers compared to other teachers <u>in that school</u> (see Harris and Sass, 2006).¹ <p>Lack of Confidentiality in Reporting Data</p> <ul style="list-style-type: none"> This requirement could create issues for LEAs in terms of records confidentiality. Depending upon the size and structure of an LEA, it may be possible to identify individuals and their ratings. Personnel records are exempt from the public records act under Virginia law.

¹ 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.

Descriptor	Comment
<p>Indicator (a)(4)</p> <p>Indicate, for each LEA in the State whose teachers receive performance ratings or levels through an evaluation system, <u>whether the number and percentage (including numerator and denominator) of teachers rated at each performance rating or level are available for each school in the LEA</u> in a manner easily accessible and a format easily understandable by the public</p>	<p>Burden of Data Collection in Reporting Number and Percentage of Teachers at Various Performance Levels</p> <ul style="list-style-type: none"> The reporting burden for LEAs to provide the data on the performance distribution of their teachers is likely to be significantly higher than estimated in the Paperwork Reduction Act. One recent report that looked at the distribution of teacher ratings in 12 school districts found that only four of the districts store teacher evaluation data electronically (Weisberg, Sexton, Mulhern, and Keeling, 2009, http://widgeteffect.org/downloads/TheWidgetEffect.pdf). While this may not be a representative sample nationwide, if even half of America's school districts are required to manually enter and calculate the data, the administrative burden will be significantly more substantial than estimated. Note that the LEA burden that USED estimated for this work is 5 hours per LEA. This seems quite inconsistent with the data from Weisberg, et al (2009) showing that only 25% of the LEAs in their study had the data available electronically. The estimated burden on SEAs to enable LEAs to report this information is likely underestimated. It will take significant resources to develop a data collection and reporting tool that enables LEAs to report different rating scales. For most LEAs it will require additional personnel in order to oversee and coordinate such a data collection process on an annual basis. <p>Use of Performance Data to Draw Valid Conclusions about Teacher Quality</p> <ul style="list-style-type: none"> For LEA evaluation systems that may report different data for different groups of teachers, it is not clear how the varying data could/would be used to draw any valid conclusions.
<p>Descriptor (a)(2)</p> <p>Describe, for each LEA in the State, the <u>systems used to evaluate the performance of principals</u></p>	<p>Data Request That Exceeds Requirements in the Statute</p> <ul style="list-style-type: none"> The request for data on performance evaluation for principals exceeds requirements in the statute. <p>Variability in Performance Evaluation Systems for Principals</p> <ul style="list-style-type: none"> The proposed requirements ask states to describe the systems of principal evaluation in their LEAs. LEAs have varied models regarding performance assessment vs. performance evaluation. It is not clear how, with such varying systems, scale, etc., it would be possible to calibrate a "highly-effective or distinguished" principal from one LEA to the next LEA. One student achievement outcome should not be the central factor of principal effectiveness and evaluation. "Describing" the principal evaluation systems in 132 LEAs in Virginia is not the best approach to improving principal performance. There does not seem to be a clear purpose for describing a multitude of principal evaluation systems across a state and the country. The focus of SFSF components for principal evaluation systems are clearly stated through indicators . The reporting of the data requested in these indicators would be sufficient to begin the development of the desired outcomes for both SFSF and Race to the Top.
<p>Indicator (a)(5)</p> <p>Indicate, for each LEA in the State, <u>whether the systems used to evaluate the performance of principals, if any, include student achievement outcomes as an evaluation criterion</u></p>	<p>Use of Student Achievement as a Criterion for Principal Evaluation</p> <ul style="list-style-type: none"> The proposed requirements ask states to describe the systems of principal evaluation in their LEAs. LEAs have varied models regarding performance assessment vs. performance evaluation. It is not clear how, with such varying systems, scale, etc., it would be possible to calibrate a "highly-effective or distinguished" principal from one LEA to the next LEA. One student achievement outcome should not be the central factor of principal effectiveness and evaluation. Principal performance should be correlated to student growth.
<p>Indicator (a)(6)</p> <p>Provide, for each LEA in the State whose principals receive performance ratings or levels through an evaluation system, <u>the number and percentage (including numerator and denominator) of principals rated at each performance rating or level</u></p>	<p>Data Request That Exceeds Requirements in the Statute</p> <ul style="list-style-type: none"> The request for data on performance evaluation for principals exceeds requirements in the statute. <p>Variability of Performance Evaluation Systems</p> <ul style="list-style-type: none"> The proposed requirements ask states to provide data on the distribution of teacher and principal performance ratings or levels in their LEAs and an indication of whether the ratings or levels are available to the public by school for each LEA. This reporting requirement would need to be adjusted for smaller LEAs. Principals' evaluation ratings cannot be reported if the principal could easily be identified in the LEA. While all school divisions are required to have teacher evaluation systems in place, a wide variety of systems have been implemented due to local control (although most are based on the state's Uniform Performance Standards). Therefore, it is highly unlikely that consistency will be found between rating systems. In divisions that rely primarily on narratives or portfolios, how can aggregated ratings be reported? Those with scales may vary from 2 levels to 5 or more.

Descriptor	Comment
(b) Improving Collection and Use of Data	
<p>Indicator (b)(1)</p> <p>Indicate which of the <u>12 elements</u> described in section 6401(e)(2)(D) of the America COMPETES Act (20 U.S.C. 9871) are <u>included in the State's statewide longitudinal data system</u></p>	<p>Authority for K-20 Education Data Collection in the State</p> <ul style="list-style-type: none"> The Constitution of Virginia sets out the Board of Education as having general supervision of the public school system. This power does not extend to postsecondary education. Consequently, the structure of Virginia government is such that K-12 education and higher education are separate authorities with separate governing boards. Relationships like this one need to be taken into account where considering how data can be used and stored in the context of systems development. <p>Comprehensive K-20 Data System is an Unfunded Mandate</p> <ul style="list-style-type: none"> The requirement to build an SLDS with the components of America COMPETES is unfunded. Given our budget situation and that we are facing further cuts and possible layoffs, it is not feasible to add additional data requirements within the timeline. LEAs are in similar situations and do not have the resources and infrastructure to respond to additional data requests. <p>Failure to Acknowledge All Postsecondary Options</p> <ul style="list-style-type: none"> Element #4 and other reporting requirements do not account for students who choose a postsecondary path other than higher education, i.e., those who enter the military; who earn employment credentials before leaving high school; or who graduate from postsecondary programs before leaving high school and enter the work force directly. <p>Burden of Data Collection</p> <ul style="list-style-type: none"> Regarding the state cost of providing reading/language arts and mathematics teachers with student performance data, we suggest the burden of \$2 per student is extremely low. Consider that LEAs will first have to identify to the state the students who are taught by each teacher. This will require that LEAs modify their data systems. Similar modifications will need to be made to the state data system to accept the teacher/student connections and provide teacher reports. We suggest the cost is closer to \$4 per student. <p>Confidentiality and Usability of Data</p> <ul style="list-style-type: none"> Element #1 requires that each student have a unique statewide student identifier that does <u>not</u> permit the student to be individually identified. This negates the possibility that teachers can use this information to identify specific instructional needs of the children they teach. Please clarify that de-identification of students is for research and analytic purposes, not for providing information back to teachers.
<p>Indicator (b)(1) [Cont.]</p> <p>Indicate which of the <u>12 elements</u> described in section 6401(e)(2)(D) of the America COMPETES Act (20 U.S.C. 9871) are <u>included in the State's statewide longitudinal data system</u></p>	<p>Requests for Clarification</p> <ul style="list-style-type: none"> With regard to Element #1, does this mean a statewide student identifier must be included for preschool students? Please provide clarification for the following: "The extent to which students graduate from high school in four years with a regular high school diploma and continue on to pursue a college education or <u>technical training</u>." What is meant by "technical training" and why is it not mentioned in other descriptions of this indicator? Adding "technical training" may require access to another data source, increasing the burden of reporting this indicator. As well, many providers of technical training, and the certification organizations are outside the scope of government authority to collect data. Element #4 references the "capacity to communicate with higher education data systems," however, it is not clear what this means. From a technical perspective, communicating with higher education data system is one method of merging K-12 and higher education data systems for purposes of evaluation and policy analysis. USED should consider revising the language to require states to report on whether states have the capability to merge K-12 and higher education data for purposes of program evaluation and policy analysis.

Descriptor	Comment
<p>Indicator (b)(2)</p> <p>Indicate <u>whether the State provides teachers of reading/language arts and mathematics</u> in grades in which the State administers assessments in those subjects <u>with data on the performance of their students</u> on those assessments that include estimates of individual teacher impact on student achievement, in a manner that is timely and informs instruction</p>	<p>SEA Direct Contact with Teachers</p> <ul style="list-style-type: none"> While it is feasible for the state to provide data on student performance to teachers, the school division would decide whether teachers receive the data. Access by teachers to Virginia’s data warehouse is granted locally, by school division personnel. <p>Determination of “Teacher Impact” in Grades/Subjects Not Test Annually</p> <ul style="list-style-type: none"> The proposal requires that teacher impact should be provided to teachers in all tested grades, but if data are not available from the earlier grades because testing is not conducted at those levels, how could 3rd grade teachers (or new teachers) receive this information? <p>Request for Clarification</p> <ul style="list-style-type: none"> Please define “Individual teacher impact.” State data systems may provide teachers with information about how their students performed on statewide assessments without providing official “impact estimates.” <p>For example, state systems may show teachers student-by-item performance data or data on the content specific strand in aggregate for their students to show where their students’ strengths and weaknesses were. This information is designed to help teachers and principals make professional development decisions and adjust lessons moving forward. In Virginia, teachers, schools, and central office personnel have reported that this information, while not providing a statistical impact estimate, has provided important information to help them meet their instructional and organizational goals, including determining professional development opportunities, assigning teachers, and facilitating professional learning communities and mentoring programs.</p> <p>Validity of Teacher Impact Models</p> <ul style="list-style-type: none"> Virginia has concerns about developing statistical impact estimates because the state of the science shows that the value added models the Department references in the notice have significant limitations, particularly when applied to individual teachers across a school district. Research has shown that developing accurate estimates of teacher impact is challenging, and statistical models that rely primarily on statewide assessments and state administrative data are limiting. <p>For example, the biases introduced by not using school-level fixed effects have been deemed to bias the models in ways that researchers conclude are unacceptable (Harris & Sass, 2006).² However, models that include school-level fixed effects have inherent limitations because they only consider teacher performance relative to all teachers in a school. Therefore, schools with overall low-quality teachers will continue to have teachers with high impact estimates. For the same reasons, schools that overall have highly effective teachers will, by the nature of the estimation methods, have teachers whose relative impact is low—even if on an objective and absolute scale these teachers are rated as effective. The issue is multifaceted. However, when school district leaders compare value-added scores between schools, they are inherently making an invalid assumption that the scores <u>can</u> be compared between schools. Furthermore, in schools with overall poor quality, these models will not identify effective teachers—only those teachers who are better than others in the building. To use this information district-wide to implement compensation and other human capital policies would have inherent bias against highly effective teachers working in schools with primarily highly effective teachers. As well, such policies, if based on the estimates proposed, have the potential to reward ineffective teachers in ineffective schools.</p> <ul style="list-style-type: none"> There is also some concern about using value-added models in schools with a highly mobile student population. As an example, if a teacher starts out the year with 20 students, but 10-15 of these students move during the year, and there are no predictive data available for other students coming into the classroom, it is likely that the value-added score of the teacher will be skewed due to the small number of students whose data will be used to calculate the score. Will states/school divisions/schools have flexibility in dealing with situations such as this?

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.

Descriptor	Comment
(c) Standards and Assessments	
<p>Indicator (c)(1)</p> <p>Confirm the <u>approval status</u>, as determined by the Department, of the <u>State's assessment system</u> under section 1111(b)(3) of the ESEA with respect to reading/language arts, mathematics, and science assessments</p>	<p>Timeline for Approval of Assessment Systems</p> <ul style="list-style-type: none"> Confirming the approval status of the assessment system may be problematic for states like Virginia that are still waiting for approval of their science assessments by USED. Additional requested data have been submitted but no letter communicating approval status has been received to date.
<p>Indicator (c)(5)</p> <p>Indicate whether the State has <u>completed, within the last two years, an analysis of the appropriateness and effectiveness of the accommodations it provides students with disabilities to ensure their meaningful participation in State assessments</u></p>	<p>Excessive Burden of Validation for Assessment Accommodations</p> <p>The effectiveness and appropriateness of accommodations used by states may have been established by other organizations or states. This indicator seems to imply that each state must independently validate the accommodations it uses. If this is the intent, this requirement appears to be unnecessarily burdensome. Further, clarification is needed as to whether states who have not yet evaluated the effectiveness and appropriateness of accommodations but who have plans for such evaluations will meet this criterion.</p>
<p>Indicator (c)(7)</p> <p>Indicate whether the State has <u>completed, within the last two years, an analysis of the appropriateness and effectiveness of the accommodations it provides limited English proficient students to ensure their meaningful participation in State assessments</u></p>	<p>Excessive Burden of Validation for Assessment Accommodations</p> <p>The effectiveness and appropriateness of accommodations used by states may have been established by other organizations or states. This indicator seems to imply that each state must independently validate the accommodations it uses. If this is the intent, this requirement appears to be unnecessarily burdensome. Further, clarification is needed as to whether states who have not yet evaluated the effectiveness and appropriateness of accommodations but who have plans for such evaluations will meet this criterion.</p>
<p>Indicator (c)(8)</p> <p>Confirm whether the State provides <u>native language versions of State assessments for limited English proficient students</u> that are approved by the Department</p>	<p>Requirement that Exceeds ESEA</p> <p>There is no requirement within the current ESEA that states provide native language assessments to English language learners. Does USED have the authority to use this as a criterion for funding?</p>
<p>Indicator (c)(11)</p> <p><u>Provide, for the State, for each LEA in the State, for each high school in the State and, at each of these levels, by student subgroup</u> (consistent with section 1111(b)(2)(C)(v)(II) of the ESEA), <u>the number and percentage (including numerator and denominator) of students who graduate from high school using a four-year adjusted cohort graduation rate as required by 34 CFR 200.19(b)(1)(i)</u></p>	<p>Inconsistency Among Data Requirements for Related Programs</p> <ul style="list-style-type: none"> SFSF student data collection appears to require subgroup data based on ESEA requirements (p. 22), but p. 21 indicates that NAEP performance data will be required on state report cards. The RTTT (p. 11) requires that data collected/reported be based on NAEP subgroups (rather than ESEA subgroups). Why is there an inconsistency between each of the grants on which subgroups are to report on?

Descriptor	Comment
<p>Indicator (c)(12)</p> <p>Provide, for the State, for each LEA in the State, for each high school in the State and, at each of these levels, by student subgroup (consistent with section 1111(b)(2)(C)(v)(II) of the ESEA), of the students who graduate from high school consistent with 34 CFR 200.19(b)(1)(i), the number <u>who enroll in an IHE as defined in section 101(a) of the HEA</u></p>	<p>Burden of Collecting Data Related to Postsecondary Studies</p> <ul style="list-style-type: none"> ED assumes that states will collect data on high school graduates' plans to go on to higher education and then confirm enrollment with individual IHEs within the state as well as out of state. We suggest that this process is cumbersome, expensive, and unreliable. Self-report of student plans is unreliable. Also, LEAs are not staffed to follow up on individual student outcomes. In addition to the time spent following up, data systems will have to be developed to capture the information. We suggest the burden hours should be doubled or that states be permitted to use data available on actual freshman enrollment from the National Student Clearinghouse. <p>Variability of K-12 and Postsecondary Data Systems</p> <ul style="list-style-type: none"> The regulations propose requirements for states to report disaggregated data based on ESEA definitions. In some states, the data systems for IHEs and the SEA use different definitions for subgroups. For example, students who are considered economically disadvantaged in the K-12 system are not directly identifiable in the higher education data systems. Rather, the higher education systems can identify recipients of PELL grants, who are also economically disadvantaged but are considered such using different definitions than are used in K-12. If states are relying on the higher ed system to provide these data, the disaggregation will not necessarily be consistent with state's operational definitions of subgroups defined for ESEA. For states that do not currently have the capability to merge K-12 and higher education data systems, USED may consider permitting states to report data from higher education systems, disaggregated consistent with higher education data availability, until such time as the data can be merged. <p>Failure to Acknowledge All Postsecondary Options</p> <ul style="list-style-type: none"> Reporting requirements do not account for students who choose a postsecondary path other than higher education, i.e., those who enter the military; who earn employment credentials before leaving high school; or who graduate from postsecondary programs before leaving high school and enter the work force directly. Presumably, the data will only need to be tracked for students who enroll in a college/university immediately after high school graduation and into their second year of college (if they continue with their college education.) It appears that if a student takes a break right after high school graduation and enters college the second semester or the following year, that he or she would not be counted/tracked.
<p>Indicator (c)(13)</p> <p>Provide, for the State, for each LEA in the State, for each high school in the State and, at each of these levels, by student subgroup (consistent with section 1111(b)(2)(C)(v)(II) of the ESEA), of the students who graduate from high school consistent with 34 CFR 200.19(b)(1)(i) who enroll in a public IHE, the number <u>who complete at least one year's worth of college credit (applicable to a degree) within two years</u></p>	<p>Burden of Data Collection</p> <ul style="list-style-type: none"> Tracking these data would entail an immense amount of work for staffs at the SEA, LEA, and IHE levels. What funds would be available to support this data collection? USED implies that the data required to report on high school graduates who complete 2 years of college credit is available from the National Student Clearinghouse. This is not the case. The Clearinghouse collects only data on enrollment, not course completion. <p>Request for Clarification</p> <ul style="list-style-type: none"> Please provide a definition for "one year's worth of college credit." In conversations with our higher education experts, the expectation for financial aid is 24 credit hours or more, but 30 credit hours is used for other purposes.

Descriptor	Comment
(d) Supporting Struggling Schools	
<p>Indicator (d)(1)</p> <p>Provide, for the State and for each LEA in the State, the number and percentage (including numerator and denominator) of <u>schools in improvement, corrective action, or restructuring</u> that have made progress on State assessments in reading/language arts in the last year</p>	<p>Too Much Emphasis on Charter Schools as an Option for School Improvement</p> <ul style="list-style-type: none"> The notice states that the Department believes that the creation and maintenance of high-quality charter schools is a key strategy for promoting successful models of school reform. The notice places too great an emphasis on charter schools as an effective reform model. 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. <p>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. Charter schools are not the only type of innovative programs being implemented locally. More recognition of other alternative programs would be beneficial to states.</p> <p>Limitations of Proposed Definitions</p> <ul style="list-style-type: none"> Within the “Definitions” section, the proposed definition of persistently lowest-performing schools limits the use of the funds to the lowest-achieving five percent of the Title I schools in Title I School Improvement. <ul style="list-style-type: none"> Broadening the definition of lowest-performing schools to include those with reasonably high pass rates on assessments, but low graduation rates would be a more accurate measure of the schools with the greatest need; releasing the cap; and including Title I eligible schools would be a more realistic indicator of the schools in greatest need. The definition of schools that have been turned around is too restrictive. Virginia has had success in turning around schools through use of a reform initiative called the Partnership for Achieving Successful Schools (PASS) in which a coach is paired with a struggling school. The definition of schools that have been turned around should be broadened to include any successful reform effort a state has used.

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