

December 16, 2013

Honorable Arne Duncan
Secretary
United States Department of Education
400 Maryland Avenue SW
Washington D.C., 20202

RE: ESEA FLEXIBILITY RENEWAL GUIDANCE

Dear Secretary Duncan:

As organizations committed to ensuring that every child has equal access to a fully-prepared and effective teacher, we write to share our concerns with the Department of Education's Elementary and Secondary Education Act (ESEA) Flexibility Renewal Guidance and accompanying documents, including your Letter to Chief State School Officers dated November 14, 2013.

The Coalition for Teaching Quality (CTQ) consists of 95 national, state, and local organizations committed to the principle that federal policy must ensure that all students have access to teachers and school leaders who enter the profession well-prepared to succeed and who prove themselves effective once there. Together, we represent a diverse spectrum of civil rights, disability, parent, student, community, educator, and education policy organizations.

We know that access to good teachers is the most important school-level factor influencing student achievement. We also know that, by any measure of teaching quality (e.g., certification status, test scores, experience, certification or major in subject matter, effectiveness), it is the highest-need students who are least likely to have access to these teachers.

One of the most far-reaching provisions in the No Child Left Behind Act (NCLB) was the requirement that "poor and minority children are not taught at higher rates than other children by inexperienced, unqualified, or out-of-field teachers." 20 U.S.C. §6311(b)(8)(C). For the first time, federal law promised to close the gap in access to this essential school resource—a key to closing the achievement gap. Though the prior Administration moved forward at a disappointingly slow pace of implementation and enforcement of these foundational teacher equity requirements, our coalition members were heartened to see this requirement prioritized under President Obama's and your leadership in the American Recovery and Reinvestment Act (ARRA), which required

states to comply with section 1111(b)(8)(C) of the ESEA (20 U.S.C. 6311(b)(8)(C)) as a condition of receiving stimulus funds. ARRA, Section 14005.

The Administration's focus on teacher equity continued when the original ESEA Flexibility Guidance was released in 2011. In that guidance, Section 1111(b)(8)(C) was specifically *not waived* as part of the waiver package.¹ Since then, however, the Department has done little to enforce the teacher equity provision in either waiver or nonwaiver states.² **Most recently, we are concerned with the apparent backtracking on the equitable distribution requirements as reflected in the November 14, 2013 Letter to Chief State School Officers.**³

First, the ESEA Flexibility renewal policy misses a major opportunity to address one of the most significant issues facing public education in the U.S. by including no requirements to ensure equitable teacher distribution. These waiver renewals are an excellent opportunity for the Department to advance its equity agenda in a meaningful way. Requiring equitable teacher distribution in waiver renewals would ensure that states effectively enforce equitable distribution at the risk of losing their waiver, finally giving equitable distribution a stick to match the Department's carrots, which have proven ineffective. Though the Department reportedly plans to develop a 50-state strategy for equitable distribution early next year, given the Department's poor track record in enforcing prior teacher equity plans—notably, states' lack of progress on and accountability for meeting plans submitted to the Department in 2006—we are

¹"An SEA would not be exempt from the requirement of ESEA section 1111(b)(8)(C) that it ensure that poor and minority children are not taught at higher rates than other children by inexperienced, unqualified, or out-of-field teachers; however, once more meaningful evaluation and support systems are in place in accordance with principle 2 (described below), an SEA may use the results of such systems to meet that requirement." ESEA Flexibility, p.2, September 23, 2011.

² See, e.g., Ayers, Jeremy and Isabel Owen. *No Child Left Behind Waivers: Promising Ideas from Second Round Applications*. Washington: Center for American Progress, 2012, at 38 ("Few states outlined plans for ensuring students have access to effective teachers, though the flexibility package requires them to uphold current law in this area. We are concerned that states are not focusing their data systems to inform and monitor local education agency distribution of educators in an equitable fashion or encouraging local education agencies to take actions to remediate imbalances"). Hall, Daria. *A Step Forward or a Step Back?: State Accountability in the Waiver Era*. Washington: Education Trust, 2013, at 6 ("Many other state plans, though, are vague at best when it comes to ensuring there are effective teachers and leaders in Priority schools. And no state has articulated a clear plan for addressing teacher assignments within Focus schools to ensure students who need the most support are placed with the strongest educators").

³ <http://www2.ed.gov/policy/eseaflex/secretary-letters/flexextensionltr111413.pdf>

concerned that this planning, with no requirements in the waiver renewals, will once again be merely a symbolic nod to equity, without any meaningful change for students.

Second, strengthening the equitable distribution provisions in Title I and II of NCLB will yield limited results. The definition of a “highly qualified teacher” has been altered significantly since the passage of NCLB so teachers who are still in – and in many cases just beginning – teacher training programs are deemed “highly qualified.” Worse, in many states, the provision allows teachers to be the teacher of record and labeled “highly qualified” for up to three years even if they are not enrolled in a teacher preparation program. This effectively renders moot the equitable distribution provisions based on teacher qualifications because novice teachers with little or no training are given the same classification as fully qualified veteran teachers.

Third, we reiterate our concern with the Department’s narrow focus on teacher effectiveness data as the sole measure of teacher equity. Even if all states had an accurate and meaningful teacher evaluation in place today (which they do not), new teachers will not be covered by them, as most experts agree that teachers’ effectiveness cannot be judged until there are at least three years of classroom data to examine. Data from the Office for Civil Rights Data Collection shows that minority students are twice as likely to be taught by novice teachers. The ESEA waiver program permits these novice (and often underprepared) teachers to teach for three or more years before their effectiveness is ever measured, thereby continuing to subject our highest-need students (including English learners and students with disabilities, in addition to low-income and minority students) to a steady churn of novice, unevaluated teachers.

Moreover, the renewal guidance itself acknowledges that many waiver states are still years away from implementing their teacher and principal evaluation and support systems, notwithstanding the deadlines established in the original waiver requirements. The renewal guidance delays the timeline for implementation of evaluation systems, eliminating the requirement to pilot the system in 2013-14, and eliminating the requirement to use results to inform personnel decisions in 2015-16 (and instead permitting states to establish their own timelines for this latter requirement.) In a perfect world, a reliance on teacher effectiveness data as the sole measure of teacher equity would be troubling and overlook many of our highest-need students. In the current imperfect policy context in which the Department is pushing back the timeline on teacher evaluation systems, focusing solely on teacher effectiveness eviscerates the equitable distribution requirement and represents a massive injustice for our highest-need students.

We urge the Department not to ignore section 1111(b)(8)(C)'s two requirements to ensure that poor and minority students are not disproportionately taught by teachers who are inexperienced or out-of-field. **We urge the Department to immediately establish meaningful benchmarks for equitable access to teachers who are not 1st and 2nd year novices and to teachers who are teaching in the field for which they are subject matter competent and fully-certified – and require states and their districts to meet these benchmarks in order to continue to be eligible for an ESEA waiver in 2014-15 and 2015-16.**

Thank you for consideration of the Coalition for Teaching Quality's concerns. We stand ready to work with the Department on drafting more robust teacher equity waiver guidance and reviewing waiver renewal applications.

Sincerely,

The Coalition for Teaching Quality (members listed on next page)

CC: Deb Delisle, Assistant Secretary, Office of Elementary and Secondary Education

Catherine Lhamon, Assistant Secretary, Office for Civil Rights

Roberto Rodriguez, White House Domestic Policy Council

Coalition for Teaching Quality (95 Organizations)

National Organizations

Alliance for Multilingual Multicultural Education	Hispanic Association of Colleges and Universities
American Council on Education	Latino Elected and Appointed Officials
American Association of Colleges for Teacher Education	National Taskforce on Education
American Association of People with Disabilities	Lawyers' Committee for Civil Rights Under Law
American Association of State Colleges and Universities	Leadership for the Common Good
American Council for School Social Work	League of United Latin American Citizens
American Council on Rural Special	Learning Disabilities Association of America
Association of University Centers on Disabilities	Movement Strategy Center
ASPIRA Association	NAACP Legal Defense and Educational Fund, Inc.
Autistic Self Advocacy Network	National Alliance of Black School Educators
Autism National Committee	National Association of Councils on Developmental Disabilities
Broader Bolder Approach	National Association of Elementary School Principals
Center for Teaching Quality	National Association of School Psychologists
Citizens for Effective Schools	National Association of Secondary School Principals
Coalition for Community Schools	National Association of State Directors of Special Education
Communities for Excellent Public Schools	National Center for Learning Disabilities
Council for Exceptional Children	National Consortium on Deaf-Blindness
Council of Parent Attorneys and Advocates	National Council for Educating Black Children
Disability Policy Collaboration, A	National Council of Teachers of English
Partnership of The Arc and UCP	National Council of Teachers of Mathematics
Disability Rights Education and Defense Fund Inc	National Disability Rights Network
Easter Seals	National Down Syndrome Congress
Education Law Center	National Down Syndrome Society
FairTest, The National Center for Fair & Open Testing	National Education Association
First Focus Campaign for Children	National Latino Education Research & Policy Project
Gamaliel Foundation	National Opportunity to Learn Campaign
Helen Keller National Center	National PTA
Higher Education Consortium for Special Education	

Opportunity Action
Parents Across America
Partnership for 21st Century Skills
Public Advocates Inc.
Public Advocacy for Kids
Rural School and Community Trust
School Social Work Association of America
SEDL
South East Asia Resource Action Center
TASH - Equity, Opportunity, and Inclusion
for People with Disabilities
Teacher Education Division of the Council
for Exceptional Children
TESOL International Association
United Church of Christ Justice & Witness
Ministries

State and Local Organizations

Abbott Leadership Institute – Newark, New Jersey
Action Now – Illinois
Action Now– North Carolina
ACTION United
Alliance of Californians for Community Empowerment (ACCE)
Arkansas Community Organizations
Bay Area Parent Leadership Action Network
Brighton Park Neighborhood Council – Chicago
California Association for Bilingual Education
Californians for Justice
Californians Together
California Latino School Boards Association
Campaign for Quality Education
Center for the Future of Teaching and Learning Coalition for Educational Justice
Delawareans for Social and Economic Justice
Educate Our State
Education Voters Pennsylvania
Grow Your Own Illinois
Inner City Struggle
Justice Matters
Legal Advocates for Children and Youth
Montgomery County Education Forum
Parent-U-Turn
Parents for Unity
RYSE Center
San Francisco Teacher Residency
Texas Association of Chicanos in Higher Education
Young Voices-Providence, Rhode Island
Youth On Board – Somerville, Massachusetts
Youth Together