



COMMONWEALTH of VIRGINIA

Office of the Governor

Timothy M. Kaine
Governor

August 20, 2009

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

Dear Secretary Duncan:

I am pleased to have the opportunity to provide comments regarding the proposed priorities, requirements, and approval criteria for the State Fiscal Stabilization Funds - Phase 2 (SFSF-2) application and the competitive Race to the Top (RTTT) program, enacted by the American Recovery and Reinvestment Act of 2009 (ARRA). The Commonwealth of Virginia is benefiting from the historic level of federal funding that is being provided to states to help offset declining revenues and budget shortfalls. Of particular significance is the renewed investment and commitment of federal resources to ensure all of our children receive the excellent education they need and deserve to compete in a global society.

My letter is intended to provide insight into a few statewide policy and administrative concerns for the Commonwealth of Virginia that are presented by the proposed requirements. As you know; Virginia has been a leader in standards-based reform and accountability for over a decade. During that time, we have made progress in narrowing the achievement gap while increasing high school students' participation in college-level courses and industry certification programs. Through the regular comment process, Superintendent of Public Instruction Patricia I. Wright will provide more specific comments and suggestions related to the implementation of proposed requirements and priorities for the ARRA programs that were announced on July 24, 2009.

Virginia welcomes financial support from the federal government with state autonomy and flexibility in the use of funds to further our progress and create innovative approaches to achieving desired outcomes. Within each state there are educational policies, regulations, and statutes in place where the required administrative processes may limit actions prescribed in the proposed applications or within the timelines specified. In many cases, these state regulatory and statutory requirements were created to provide transparency in public policymaking and in the way public funds are spent. I believe a state-federal partnership that focuses on desired outcomes and leaves specific implementation strategies to Governors and state legislatures will encourage and promote innovations within a state context. Additionally, I request that you keep data collection and reporting requirements to a minimum number of quantifiable elements that research indicates are directly related to improving student achievement. Virginia has made progress in building our state data systems, but localities have not had the resources to do the same and will struggle with many of the data requirements prescribed in the SFSF-2 and RTTT applications.

I cite several key concerns related to both the SFSF-2 and RTTT applications below. The concerns are related to adoption of common standards and assessments, reporting teacher and principal effectiveness, and data collection and reporting.

Concerns Related to Race to the Top (RTTT)

- **Required adoption of voluntary common core standards and participation in the development and implementation of common assessments**

The competitive priority in the Race to the Top application requiring states to “adopt common standards” by June 2010 and commit to joining a consortia of states to develop state assessments could put Virginia and other states that have been proactive in developing college- and career-ready standards and assessments at a competitive disadvantage. Competitive states may likely be those in which their standards and assessment revision cycles happen to fall in line with the grant timelines.

The proposed notice would require states to adopt standards that are “identical” to the common core standards as opposed to “aligned.” The notice defines a common set of K-12 standards as “...a set of content standards that define what students must know and be able to do, and that are identical across all States in a consortium. Notwithstanding this, a State may supplement the common standards with additional standards, provided that the additional standards do not exceed 15 percent of the State’s total standards for that content area.”

The proposed notice also makes participating in a consortium to develop and implement common, high-quality assessments aligned to the common standards a selection criterion for RTTT funding. The notice defines high-quality assessment as “...an assessment designed to measure a student’s understanding of, and ability to

apply, critical concepts through the use of a variety of item types, formats, and administration conditions (e.g., open-ended responses, performance-based tasks, use of technology). Such assessments are structured to enable measurement of student achievement (as defined in this notice) and student growth (as defined in this notice); are of high technical quality (e.g., are valid, reliable, and aligned to standards); and include the assessment of students with disabilities and limited English proficient students.

I believe a set of common, internationally benchmarked standards should serve as targets for all states to strive to attain. However, implementation of new standards and assessments will need to be customized to fit within a state context.

Specifically, the *Code of Virginia* requires the Virginia Board of Education to review, revise, and adopt its academic content standards and curricular frameworks at least every seven years using a process that involves extensive public comment and hearings. This process ensures transparency and achieves buy-in from the parents, educators, and policymakers whose support is necessary for successful implementation. The *Code of Virginia* also requires the Board of Education to administer criterion-referenced tests to measure student achievement on these academic standards, and the results are used to determine school accreditation ratings and high school diploma recipients.

The Virginia Board of Education recently completed an extensive review and revision of the state mathematics standards with involvement of the P-16 Council and input and endorsements from Achieve, The College Board, and ACT. The same process has been used in reviewing the English/reading state standards. Our online state assessment program, which is the largest in the nation and part of a multi-year contract, includes 3-8 assessments and a variety of end-of-course exams in English, mathematics, science, and history and social science. As content standards are revised, so are the corresponding assessments. Hence, Virginia is in the process of revising its state assessments to reflect changes in the content standards. Virginia must stay on schedule with assessment development in order to maintain the validity and continuity of our high stakes accountability program for schools and students.

Please reconsider the notice's focus on "common" standards and assessments developed by "consortia" of states as competitive priorities in the RTTT application. "Common" and "consortia" describe strategies and approaches, not content outcomes. When the federal government uses state adoption of "voluntary" standards as a priority condition for receiving substantial funding, the standards are no longer "voluntary." Misuse of state-led initiatives on common standards and assessments may inhibit future collaborations among consortia of states. Alignment of standards and assessments to international benchmarks should be a desired outcome, but "how" states or consortia of states choose to get there should be less prescriptive. Perhaps a better 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.

- **Teacher and principal effectiveness**

The RTTT application requires states to develop a plan and set annual targets to increase the number and percentage of “effective” and “highly effective” teachers and principals (as defined in the notice) in high-poverty schools. The definitions of “effective” and “highly effective” are tied to individual student growth. Measuring the effectiveness of teachers and principals based on a growth model of individual student achievement may be appropriate for individuals working in certain states and schools. However, states should have flexibility to define effective teachers and principals using other models. Additionally, it is not clear in the proposed notice how teachers of students in grades or subject areas that are not assessed with objective and externally administered tests would be determined “effective.”

Concerns Related to State Fiscal Stabilization Funds – Phase 2 (SFSF-2)

- **Reporting of performance evaluations**

The proposed SFSF-2 application requires states to collect and report personnel evaluation systems and the performance ratings of teachers and principals in each local educational agency (LEA). LEAs must indicate whether student achievement is a criterion in determining performance ratings. The proposals define “effective” and “highly effective” primarily in terms of student achievement. LEAs have varied models regarding how student achievement is factored into performance evaluations of teachers and principals. It is not clear how, with such varying systems, scales, etc., it would be possible to compare an effective teacher or principal from one LEA to the next LEA. While important, student achievement outcomes alone should not be the sole factor for determining teacher and principal effectiveness and evaluation

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.

This process will add additional burden to states, LEAs, and principals. Estimates of the time to accomplish the data collection and reporting are understated 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. In a time when state and LEA budgets have been drastically reduced, funding that will need to be spent on meeting administrative reporting requirements could be used to directly improve teacher effectiveness.

Concerns Related to Both State Fiscal Stabilization Funds – Phase 2 (SFSF-2) and Race to the Top (RTTT)

- **Longitudinal data systems**

The proposed notice requires the implementation of a statewide longitudinal data system that includes all of the elements specified in the America COMPETES Act by September 30, 2011. While a laudable goal, the ability to meet all 12 data elements in the America COMPETES Act will cause a financial hardship on Virginia and other states. While the competitive data grants will provide many states with a good start, this funding will not be sufficient to build and sustain a robust data system. States should be allowed to use RTTT funds to complete their data systems and develop tools that will provide data for instructional decision making directly to teachers and principals.

In the RTTT and SFSF-2 applications, consider giving states 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 use of federal funding.

- **Data collection and reporting**

Collecting and reporting many of the data elements by the timelines required in the SFSF-2 and RTTT applications assumes states have fully functional state longitudinal data systems in place at the time of the grant application. For example, Indicator (c)(13) states:

- *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 who complete at least one year's worth of college credit (applicable to a degree) within two years.*

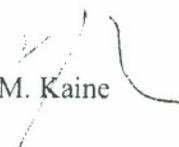
Tracking these data would entail an immense amount of work for staffs at the state, local, and higher education level. What funds would be available to support this data collection as a requirement for receiving ARRA SFSF funds? USED implies that the data required to report on high school graduates who complete two years of college credit is available from the National Student Clearinghouse. Virginia has an agreement with the National Student Clearinghouse, but this level of data is not available. The Clearinghouse collects only data on enrollment, not course completion.

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I appreciate the opportunity to provide comments on the proposed ARRA program applications. On behalf of the Commonwealth of Virginia, I encourage you to reconsider some of the proposed requirements in the SFSF-2 and RTTT applications so that states and localities can focus their resources on implementing the reform priorities of college- and career-readiness, robust data systems, teacher and principal effectiveness, and support for low-performing schools.

Thank you for your public service to the nation's children and offer my assistance in moving President Obama's educational reform priorities forward.

Sincerely,


Timothy M. Kaine

TMK:slh

c: Dr. Patricia I. Wright, Superintendent of Public Instruction