

August 27, 2009

VIA eRulemaking Portal: www.regulations.gov

Secretary of Education Arne Duncan
c/o Office of Elementary and Secondary Education
Attn: Race to the Top Comments
U.S. Department of Education
400 Maryland Ave., SW, Room 3W329
Washington, DC 20202
Re: Race to the Top Fund [Docket ID ED-2009-OESE-0006]

Dear Secretary Duncan:

The New Jersey Education Association appreciates the opportunity to comment on the Notice of Proposed Priorities, Requirements, Definitions and Selection Criteria published in the July 29, 2009 *Federal Register* regarding the Race to the Top Fund.

NJEA supports meaningful, effective education reform. Such reform should be research-based, with a demonstrated record of effectiveness, and flexible enough to account for the widely divergent needs and priorities of the nation's schools and the students they serve. We also believe that engaging in meaningful reform and transformation of our public schools does not mean we should change simply for the sake of change. Many of our schools do an excellent job of educating students, and many current practices are very effective. Those successes should be preserved and emulated.

NJEA looks forward to the opportunity to work with the Obama Administration and the U.S. Department of Education to move past the failed model of No Child Left Behind. We believe that real reform is possible if it is implemented carefully and thoughtfully. Such reform requires input from and collaboration with the professional educators who must carry out the reforms at the classroom level, where students are ultimately affected.

NJEA shares much of the National Education Association's optimism with regard to the potential for educational reform and progress under the current administration. We also share many of NEA's concerns regarding some proposals that we believe are not in line with the stated intention of both President Obama and Secretary Duncan that education reform should not take a top-down approach and that it should be research-based.

We have been down that road before. The so-called No Child Left Behind law demonstrated the failure of a top-down, one-size-fits-all approach to education reform. Those in the trenches – the teachers and educational support professionals working in our public schools every day – know that federal mandates don't make great public schools. Great public schools are the result of a grassroots approach that includes supportive, involved parents; caring, cooperative administrators; well prepared teachers and educational support professionals who have access to high quality, meaningful professional development; motivated, enthusiastic students; up-to-date materials and equipment; and safe, modern school facilities.

Concerns

As we look at the proposals underlying the Race to the Top Fund, we note several areas of concern. In particular, we believe that they overemphasize the use of charter schools, oversimplify the issue of linking teacher evaluations to student performance, and promote unproven merit pay proposals.

Charter Schools

NJEA does not oppose charter schools. We believe they should be held to the same high standards of accountability as regular public schools, and in New Jersey that is largely the case.

More than a decade into New Jersey's charter school experiment, however, it is very clear that they are not a panacea. Some of our charter schools perform very well, some perform adequately, and some have significant problems in both management and student performance. On balance, they do not show any meaningful performance advantage over regular public schools, despite the lofty promises and high expectations that accompanied their entrance into the public school system.

According to the best research available, that is the experience nationally as well. Charters as a group simply have not had the promised effect on student achievement. One such study is *Renaissance Schools Fund-supported schools: Early outcomes, challenges, and opportunities* (Stanford Research International, Viki M. Young, Daniel C. Humphrey, Haiwen Wang, Kristin R. Bosetti, Lauren Cassidy, Marjorie E. Wechsler, Elizabeth Rivera, and Samantha Murray, Menlo Park, Ca., and the Consortium on Chicago School Research, Diane Whitmore Schanzenbach, Chicago, Ill., 2009).

The November 2008 study, *The forgotten choice? Rethinking magnet schools in a changing landscape* (Erica Frankenberg & Genevieve Siegel-Hawley, Civil Rights Project at University of California, Los Angeles), showed that charter schools were more segregated than magnet schools. And *The nation's report card: America's charter schools* (NCES 2005-456), published by the U.S. Department of Education's Institute of Education Sciences in December 2004, showed that charter schools enrolled smaller proportions of students with disabilities than traditional public schools.

There is no reason to believe that vastly expanding the number of charters will change that outcome. In fact, *Multiple choice: Charter school performance in 16 states* (Center for Research on Education Outcomes [CREDO] at Stanford University, Stanford, Ca., June 2009), showed that in states with the most charter schools the results were mixed or charters performed more poorly than in states with fewer charters. Taking away the ability of states to limit the number of charter schools would ultimately lead to less oversight and accountability for charters and would undermine their potential for success.

We urge that Race to the Top funds be made available to foster innovation in all public schools, without privileging charter schools and relegating regular public schools to second-class status, as if innovation does not or cannot take place in those schools as well. That is simply untrue. True innovation takes place because the right people have the right resources, not because of whether or not a school has "charter" in its name.

Teacher evaluation

Schools and teachers must be accountable for student progress. However, any system that attempts to measure teacher effectiveness on the basis of student test scores is inadequate and unfair.

Students' academic performance, including test scores, is affected by a number of factors. Wealth, health and family involvement are just a few of the many things that affect how students learn and perform in school. In fact, from birth until graduation a child spends less than 10 percent of his or her life in a classroom under the direct influence of a teacher. The remaining 90 percent makes a real difference.

This is not a new issue, but has been studied by researchers for more than 20 years. A decade ago, a study *High stakes testing for tracking, promotion, and graduation* (Jay P. Heubert & Robert M. Hauser, National Research Council, and the Committee on Appropriate Test Use), documented the wide range of factors affecting student success.

Furthermore, no test can claim to be the definitive measure of student learning or progress. We hope the current administration will not repeat the errors of the previous administration by assuming that a single standardized test, administered a single time during the school year, is sufficient to determine whether students are learning. Tests that are inadequate to measure the real learning of the students who are taking them are, accordingly, inadequate to measure the effectiveness of those students' teachers. We expect our schools and

educators to do more than instill rote learning, as J.E. Brophy and T.L. Good noted in their work *Teacher behavior and student achievement (Handbook of research on teaching, [3rd ed.]* edited by M.C. Wittrock, New York: Macmillan.)

For those reasons, any system that links data on individual students' test scores to individual teachers for the purposes of evaluation cannot work and must not be imposed on states as a precondition to receiving the funds they need to provide innovative, effective education to every student.

Merit Pay

For the reasons cited above, it is also inappropriate to impose a requirement that states have compensation systems that link teacher pay to students' test performance. It essentially rewards one thing - high standardized test scores - while attempting to achieve another - improved student learning.

Student learning (something very different than student test scores) is the result of a number of factors, both within and outside an individual teacher's control. The idea of pitting teachers against each other in competition for salary resources is antithetical to the atmosphere of cooperation and collaboration in which the most effective teaching and learning takes place. Rewarding test scores would only encourage a further unhealthy emphasis on "teaching to the test" when in fact we should be moving away from that flawed model.

We point to the extensive research done by the Pennsylvania State Education Association on the "value-added" issue, which was submitted by PSEA in its comments on this topic. In addition, a 2009 study published by the Economic Policy Institute, *Teachers, performance pay, and accountability – What education should learn from other sectors* (Scott J. Adams, John S. Heywood, and Richard Rothstein) demonstrates that "merit pay" or "pay for performance" is far less prevalent than often imagined in the private sector.

Furthermore, in one area where it has been prevalent, the financial services industry, we have seen in all-too-vivid detail recently that so-called pay-for-performance schemes can actually lead to very poor decision making as employees pursue narrowly defined targets without concern for the long-term impact of their actions. Further undue emphasis on test scores will ultimately lead to neglect of other important educational objectives. CitiGroup and Bear Stearns are not the models we should be striving to emulate in public education.

Most importantly, we object to the federal government's interference in compensation issues and potential disruption of public school employees' long-standing right to collectively bargain evaluation procedures. The federal government should not employ application criteria for federal dollars as a tool to encourage states to overturn collective bargaining, due process, tenure laws, or regulations, contracts and evaluation structures already in place, or interfere with other issues subject to negotiations with the majority representative of educators and other school staff.

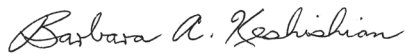
Conclusion

In its zeal to reform public education, we hope the current administration does not repeat the mistakes of the recent past, when *sound bites* were deemed more important than *sound practices*. That means relying on research-based solutions, which emphasize grassroots reform led by educators themselves. It means avoiding top-down mandates that are not supported by evidence and that are insensitive to the varied needs of students from state to state and school to school. It means providing resources to educators, who are eager and determined to give their students the very best, and trusting those professionals to provide what their students need to succeed.

Each state – and in many cases, each school – faces its own specific challenges in educating its students. We must have the flexibility to meet the needs of our students. Federal funds should not be used to coerce states into pursuing strategies and approaches that are not appropriate to the particular educational needs of each state.

We hope the Department and this administration will live up to their promises of providing real resources to achieve real reform without falling into the trap of limiting that reform only to what a handful of appointed officials in Washington, D.C. can conjure. Instead, let's allow the people who toil in public school classrooms to participate in meaningful, research-based reform that will lead to the intended result of improving education for all our students.

Sincerely,



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New Jersey Education Association



Vincent Giordano, Executive Director
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Cc: Hon. Jon Corzine, Governor of New Jersey
Lucille Davy, New Jersey Commissioner of Education
New Jersey Congressional Delegation
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