



August 24, 2009  
Office of Elementary and Secondary Education  
(Attention: Race to the Top Fund Comments)  
U.S. Department of Education  
400 Maryland Avenue, S.W., Room 3W329  
Washington, DC 20202

**RE: Comments on Proposed Notice of priorities, requirements, definitions, and selection criteria** (*Federal Register*: July 29, 2009, Volume 74, Number 144) [**Docket ID ED-2009-OESE-0006**] “Notice”

Dear Secretary Duncan,

The Campaign for High School Equity (CHSE), a diverse coalition of national organizations representing communities of color, is pleased to submit comments on the recently released notice of proposed priorities, requirements, definitions, and selection criteria for the Race to the Top Fund under the American Recovery and Reinvestment Act (ARRA).

We believe the draft is strong in a number of ways. We commend you for requiring States to have made significant progress in the four education reform areas in order to be eligible to receive a grant—implementing standards and assessments, improving teacher effectiveness and achieving equity in teacher distribution, improving collection and use of data, and supporting struggling schools—as CHSE believes that these four reform areas are important steps to providing high-quality education for all students. By encouraging and rewarding States to make significant improvements in student outcomes, including making substantial gains in student achievement, closing achievement gaps, improving high school graduation rates, and ensuring student preparation for success in college and careers, the Race to the Top fund may help ensure that all students, especially those who have been historically underserved, will receive an equitable education.

The five proposed priorities for the application highlight important strategies for improving our nation’s schools, particularly in encouraging expanding learning time and community-based supports as strategies to successfully turn around schools, and addressing the needs of underrepresented groups in the Science, Technology, Engineering, and Mathematics fields. The proposed selection criteria for the State Reform Conditions requires individual States to demonstrate their commitment to improving the quality of their standards by participating in a consortium of States that are to develop and adopt common core standards by 2010. CHSE believes that this requirement has the potential to benefit all students as long as communities of color are involved in the development and implementation of the common core standards.

As noted within the Notice, teacher quality varies greatly community by community and classroom by classroom. Too often, the students who need the most support are those least likely

to be taught by effective teachers. CHSE commends the Department of Education for providing a vehicle to a more equitable distribution of effective teachers and school leaders, especially in hard-to-staff subjects and schools.

We are also pleased that the draft encourages States to solicit statewide support and commitment from the business community, civil rights organizations, and teachers unions to allow key stakeholders to engage in meaningful ways.

CHSE applauds the Department for making English Language Learners (ELLs) and students with disabilities a clear focus of longitudinal data systems and high-quality assessments that are aligned with standards. We must do all we can to ensure that all students are provided with a college and career ready education.

Although we generally agree with the content of the Notice, CHSE has some concerns, and would like further clarification in the following areas.

**Include community based organizations (CBOs) serving youth as partners in STEM projects.**

CBOs often provide the learning and engagement activities that spark and sustain interest in learning, including STEM areas. For high school students, they often provide expanded learning opportunities such as apprenticeships that align STEM learning to real-world experience. These CBOs should be included as core partners in implementing the STEM competitive priority.

*Under Proposed Priority 2, STEM, after “research centers” add “community-based organizations serving youth”.*

**Collect data on effective high school reform.**

Effective high schools are a core element of a successful education system. High school reform often entails specific strategies geared to high schools and the youth that attend them. Expanded data systems should include data collection on student achievement and student growth (as defined in the Notice) to ensure continuous improvement of high school policy and practice assuring effective high school reform. Where possible, data collection should also include the kinds of investments research has shown to make a difference in student outcomes (expanded learning time participation, etc.), disaggregated by race and ethnicity.

*Under Proposed Priority 3, Expansion and Adaptation of Statewide Longitudinal Data Systems, after “early childhood programs” add “high school reform programs.”*

*Under Proposed Priority 3, insert after, “human resources, finance, health, postsecondary, and other relevant areas, with the purpose of allowing important questions related to policy or practice to be asked and answered,” add “including who these programs are benefiting such that the disaggregation of data by race and ethnicity would reflect who is receiving these services in order to ensure that schools, districts, and states focus their efforts on improving the academic achievement of all student groups.”*

**Ensure CBOs serving youth are engaged in P-20 vertical alignment plans.**

We believe that a strong P-20 system is critical to the long-term success of education reform. CBOs are critical players in ensuring that all youth, particularly disadvantaged youth, stay in school and graduate. Yet, they are not included in the vertical alignment plans. We recommend that CBOs be included as core partners needed to create a seamless system.

*Under Proposed Priority 4, after “postsecondary institutions” add “community-based organizations serving youth.”*

**Ensure engagement of communities of color in common core standards.**

We believe in the potential of high common core standards to transform education for all children, but only if we ensure that the needs of communities of color that are overrepresented in the disadvantaged subgroups described in section 1111(b)(2)(C)(v)(II) of the ESEA (i.e., economically disadvantaged students, students from major racial and ethnic groups, students with disabilities, and students with limited English proficiency) are met from development through implementation. We do not believe that the Department should support any common core standards effort that has not effectively engaged and involved communities of color in a sustained process of development and review. Particularly, without meaningful consultation and collaboration with sovereign tribal nations in order to ensure that the unique rights and needs of Native students will be addressed.

In addition, full engagement with communities of color also means ensuring that they are fully able to access Race to the Top funds. Currently, tribal governments and the Bureau of Indian Education (BIE) schools are ineligible to access Race to the Top grants<sup>1</sup>. As a result, tribes and BIE schools are not provided the same economic relief as public schools, although they are federally funded and two-thirds of the BIE schools are not making adequate yearly progress. The majority of the BIE schools experience the same, and in many cases exacerbated, hardships as local public schools (i.e. averting layoffs, creating jobs, supporting academic improvement, and school modernization). In addition, BIE schools are not incentivized or supported in the same manner as the states to develop the reforms outlined in ARRA, despite the documented low performance in a majority of the tribal and BIE schools and the high rate of mobility by Native

---

<sup>1</sup> **RTT and BIE and Tribal Schools Information:** Tribal governments and the Bureau of Indian Education (BIE) schools are ineligible to access State Fiscal Stabilization Funding (SFSF) funding, including \$4.35 billion in Race to the Top grants, under the American Recovery and Reinvestment (ARRA).

Native communities have long experienced the highest rates of poverty, unemployment, morbidity, and substandard housing, education, and health care. The federal government has a trust responsibility for the education of Native students through the provision of direct educational services including the responsibility of ensuring equitable educational quality and access. The current funding provided to BIE schools through ARRA is not proportionately equal to the funding provided to public schools through the Department of Education, although BIE schools receive federal funds under ESEA.

We recommend a reservation of State Fiscal Stabilization Funds allocated to the Department of Interior to provide support to tribal and BIE schools, including competitive and incentive grants that states may currently apply for through the Department of Education. In addition, we recommend the Department of Education require states in their SFSF applications to demonstrate how they addressing the unique and challenging education needs of Native students attending public schools.

students between public, tribal, and BIE school systems. By ensuring that RTT includes a reservation of funds for tribal and BIE schools, including through the same competitive and incentive grants that states may currently apply for, these entities will be able to make sure that Native students receive equitable access to the highest quality of education.

*Under State Reform Conditions Criteria, (A)(1), section (i) after “high school graduation” add “have meaningfully involved stakeholders from development through implementation, such as national civil rights organizations, minority-serving community based organizations, that work to improve the educational attainment of communities of color.”*

*Under State Reform Conditions Criteria, (A)(1), under section (ii) after “high school graduation” add “have meaningfully involved stakeholders from development through implementation, such as national civil rights organizations, minority-serving community based organizations, that work to improve the educational attainment of communities of color.”*

**Common, high-quality assessments must address the needs of English language learners, students with disabilities and other learners with unique needs, such as Native American students.**

The draft contains language to support the needs of ELLs, including Southeast Asian Americans, and students with disabilities. We urge you to also clarify the critical importance of addressing the needs of these populations in the State Reform Conditions section. In addition, it is important for the draft, including the State Reform Conditions section, to address the needs of other learners with unique needs, including requiring states to demonstrate how they will address meeting the unique and challenging education needs of students, such as Native American students.

*Under State Reform Conditions Criteria, (A)(1), after high school graduation,” add “meet the needs of English language learners, students with disabilities, Native American students, and students of color.”*

*Add after: “(A)(2) Developing and implementing common, high-quality assessments”:*

- (i) Make assessment procedures and methods available and accessible to States so that they have detailed information with which to evaluate the effectiveness of instructional materials, strategies, and approaches for educating different types of students (e.g., students with disabilities, limited English proficient students, students whose achievement is well below or above grade level).*
- (ii) The Secretary is also particularly interested in applications in which States propose working together to adapt one State’s assessments for the subgroups mentioned in (A)(2)(i) so that it may be used, in whole or in part, by other State(s), rather than having each State build or continue building such assessment(s).*

**Ensure teachers have access to the professional development they need.**

Given the limited supply of highly effective teachers, the Department should ensure that States and LEAs provide additional professional development to teachers who need it the most, especially those who teach underserved student populations such as ELLs, Native American

students, and minority students. Performance-based pay or other models for measuring and rewarding teacher effectiveness alone will not increase the effectiveness of an ineffective teacher. Teachers must receive the professional development they need to improve their quality of teaching. We can increase the supply of highly effective teachers without having to rely solely upon teacher recruitment by providing effective and appropriate professional development to teachers already in the classroom. Professional development is also needed for those teachers who work in school districts that have seen substantial growth in minority and ELL student populations, or who are Native American majority, especially for the schools who historically have not dealt with the unique needs of these students.

*Under (C) Great Teachers and Leaders (2) Differentiating teacher and principal effectiveness based on performance, at the end of section “(i) Evaluating annually and developing teachers and principals, including by providing timely and constructive feedback and targeted professional development” add “for teachers who teach hard-to-staff subjects including English language proficiency, teachers in majority-minority schools, high-poverty schools, schools classified as in need of improvement, schools serving majority Native American populations, and teachers in school districts that have seen a substantial growth in minority and ELL populations.”*

*Under section (C)(3), after “Plans may include, but are not limited to, the implementation of incentives and strategies in areas such as recruitment, compensation, career development,” add “professional development.”*

**Ensure high schools are targeted for turn-around: Annual targets should include both graduation rates and academic achievement.**

Under Reform Plan Criteria (D)(3) Turning Around Struggling Schools, States are asked to provide a high quality plan with ambitious yet achievable targets for turning around low-performing schools. We appreciate the Department’s recognition throughout this proposal that graduation rates are critical indicators of a high school’s success. From the experience of No Child Left Behind, whose incentive structure led some schools to push out their lowest-performing students in order to boost assessments scores, we know that balanced accountability for high schools must mean assessment scores and graduation rates used in tandem.

*Under Reform Plan Criteria (D)(3) Turning around struggling schools, after “the extent to which the State has a high-quality plan and ambitious yet achievable annual targets” add “that include both student achievement and high school graduation rates (as defined in this notice)” in (i) identifying”*

**Align turn-around strategies to meet the needs of high schools.**

Too often, education policy is solely geared to elementary school reform. Successful high schools behave differently than elementary schools and we believe federal policy should uphold the best strategies from research and practice for high schools.

*Under (D)(3) Turning around struggling schools, after “implement[] comprehensive instructional reform, including an improved instructional program and differentiated instruction” add “**providing a college preparation curriculum, as well as increase the engagement of older youth, by providing greater personalization and opportunities to engage in project-based learning that has relevance to the participants and connection to the real world for middle and high school students;**”*

**Clarify expanded and extended student learning time activities to include high quality summer and out of school time programs.**

The current Reform Plan Criteria provisions identify various strategies States should implement to help turn around struggling schools, including activities related to expanded and extended student learning time. We believe it is necessary for the Department to point out that expanded learning time means more than just a longer school day or year. Accordingly, we recommend that language under Reform Plan Criteria (D)(3), encouraging LEAs to expand or extend student learning time, be clarified to ensure that innovative partnerships (CBOs, higher education, museums, etc.) focused on high quality out of school time learning such as summer and after school programs are specifically considered as an essential part of the strategy to turn around struggling schools.

*Under Reform Plan Criteria (D)(3) Turning around struggling schools add “**through innovative partnerships with community based stakeholders and organizations that operate high quality summer learning and afterschool programs;**” after “expand student learning time” in the first bullet. Under the fourth bullet we recommend the language changes indicated in bold and italics.*

- 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, ***through innovative partnerships with community based stakeholders and organizations that operate high quality summer and out of school time programs*** for students to learn and for teachers to collaborate, ***the broadening and enhancement of curriculum and content***, more time for enrichment activities, and on-going mechanisms for sustained and meaningful family and community engagement.

**Ensure CBOs serving youth and Native American tribes are core partners in education reform.**

CBOs and other crucial community partners, such as Native American tribes, are critical to ensuring that the most disadvantaged children stay engaged in school and graduate prepared for college and work. Their ability to connect directly with communities and families, while providing education systems with valuable and unique knowledge about community and student needs, is essential in making sure that reform efforts are appropriate, effective, and supported. Because of the key role they play, CBOs and Native American tribes should be core partners in any comprehensive reform effort to align equitable resources and services for students in schools with the highest needs and to ensure a seamless continuum of effective support, fully engaged stakeholders, and equitable opportunity in achieving the same goals.

*Under (E)(3), add a new “(v), community-based organizations serving youth and Native American tribes.”*

**Fully include high schools in persistently lowest-performing schools definition.**

The Department proposes a definition of persistently lowest-performing high schools as those secondary schools that are eligible for but do not receive Title I funds and that are equally as low-achieving as elementary schools in improvement, corrective action, or restructuring. The definition also includes language requiring States to consider schools’ performance on State assessments and progress on assessments. We appreciate the Department’s recognition that many secondary schools are eligible for but do not receive Title I funds. High schools have historically received less than their fair share of Title I funds: while they enroll 23 percent of low-income students, they receive only 10 percent of Title I funds. According to the NLS-NCLB study, only 27 percent of high schools receive Title I funds at all, compared to 71 percent of elementary schools.

Unfortunately, this definition would still fail to include many low-achieving high schools. In addition to the high schools that are eligible but do not receive Title I, many high schools do not qualify for Title I not because they do not serve poor students but because poverty levels are underreported at the high school level. Only 61 percent of the nation’s lowest-performing high schools, the so-called dropout factories, are eligible for Title I. Additionally, graduation rates are equally important to test scores in determining the performance of high schools. Therefore graduation rates should be included equally in States’ determinations of low-performing high schools.

*Under Section IV, for the proposed definition for “persistently lowest-performing schools” add “persistently lowest-performing schools also means high schools with graduation rates (as defined by this notice) below 60 percent,” after “but do not receive, Title I funds”. We hope the Department will carefully consider our comments when drafting the final priorities, requirements, definitions, and selection criteria.*

If you have questions regarding these comments, please feel free to contact me at (202) 772-1137, [mwotorson@highschool equity.org](mailto:mwotorson@highschool equity.org).

Sincerely,

Michael Wotorson, Executive Director, Campaign for High School Equity

Janet Murguía, President and CEO, National Council of La Raza

Arturo Vargas, Executive Director, National Association of Latino Elected Officials Educational Fund

Rosa Rosales, National President, League of United Latin American Citizens

Robert B. Cook, President, National Indian Education Association

Doua Thor, Executive Director, Southeast Asia Resource Action Center

Benjamin Todd Jealous, President and CEO, National Association for the Advancement of Colored People

Thomas A. Saenz, President and General Counsel, Mexican American Legal Defense and Educational Fund

Governor Bob Wise, President, Alliance for Excellent Education

Wade Henderson, Esq., President and CEO, Leadership Conference on Civil Rights

Marc H. Morial, President and CEO, National Urban League