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The Honorable Arne Duncan  
U.S. Secretary of Education  
400 Maryland Avenue, S.W.  
Washington, D.C. 20202

Re; Race to the Top Notice of Proposed Priorities,  
Requirements, Definitions, and Selection Criteria:  
Docket ID ED-2009-OESE-0006

Dear Secretary Duncan:

Thank you for the opportunity to comment on the notice of proposed priorities, requirements, definitions, and selection criteria for the Race to the Top Fund (RTTT). As you know, the Council of Chief State School Officers (CCSSO) strongly supports this program as a unique opportunity to support state systemic reform efforts. Particularly because this is a competitive program for the states, many chief state school officers may file their individual comments. The comments in this letter reflect key recommendations of chiefs and the state departments of education on core issues in the proposed notice. CCSSO's membership comes to the table with many voices at various stages of addressing the four assurances, and we recognize that individual states may submit comments of their own or choose to elaborate upon our response.

CCSSO supports the fundamental approach taken in the proposed notice to promote comprehensive education reform across the four major reform areas addressed in the State Fiscal Stabilization Fund - standards and assessments; improved use of data; teacher effectiveness and equitable distribution of teachers; and addressing the needs of struggling schools. These are key areas of state leadership and align fully with CCSSO's four strategic initiatives. We also support the proposed approach to look both at the conditions in a state that provide a foundation for reform and the quality of the state's reform plan. Although the proposed notice sets a high bar for funding and we expect that the grants competition will be highly competitive, we believe there are many states that are ready, anxious, and able to seize this opportunity to significantly accelerate their own reform efforts.

- **Grants should be distributed to promote nation-wide reform.**

While we believe that selection of state grantees needs to turn principally on an assessment of the quality of state reform efforts and plans, we are also concerned that the program not be structured to unintentionally exclude predominately rural states or other states that face significant challenges in pursuing education reform or that may not have access to the same level of resources as other states. USED

and its peer reviewers need to be sensitive to how far a state has come and is prepared to go in light of these challenges. Moreover, the national objective of this program may be best served by funding a variety of high-quality state reforms, so that there will be a wider range of model approaches on which to build. CCSSO suggests a general criterion that addresses whether funding a state will contribute to funding a variety of state reform models as well as a broad geographic distribution of high-quality projects which can guide reforms across all regions of the country.

- **USED should promote competition but not artificially limit grants to a small number of states.**

A related point concerns the number of grants to be awarded. While the notice does not propose ranges for the numbers and sizes of grants to be made, previous comments by the Secretary and others have focused on highly competitive awards to a small number of states. CCSSO supports the idea of significant competition and urges USED to fully leverage RTTT by supporting the full breadth of high-quality state innovation across the nation. We recommend that USED balance the need to provide very substantial grants to support statewide reform with the goal to incentivize more aggressive reform efforts in all states that are prepared to commit to that effort. Subject to ensuring that all funded proposals are of high quality and include aggressive but achievable goals in the four reform areas, we believe a policy to limit grants to a small percentage of the states would compromise the potential of this program to leverage national education reform. If in Phase 1 or Phase 2 there are twenty to thirty high-quality applications, one option is a tiered approach, with a first tier of very large lead grant awards along with a second tier of smaller but still substantial awards going to states with highly competitive proposals.

- **ARRA programs should be aligned and joint applications across programs should be considered.**

Many of the ARRA programs have overlapping goals, including RTTT; State longitudinal Data Systems; the Teacher Incentive Fund; and the School Improvement grants. At a minimum, USED needs to ensure alignment of the core policies and expectations across programs. States need to focus on developing effective education programs, not on how to package parts of the program in grant applications to optimize their competitive chances under many of these programs. Ideally, to that end, states should be able to submit a joint application for multiple programs. That may not be realistic given the disparate schedules for grant processes and awards. In any event, we urge USED to address this issue as best it can.

With regard to another type of joint application -- from multiple state applicants - - we do not object to the basic approach of expecting individual state applications (and we endorse the plan to set aside funds for a consortium application for

common assessments aligned to the state-led common standards initiative). However, the four reform areas may be effectively promoted in many cases by cross-state efforts. USED should clarify in the final notice how these cross-state reform efforts may be accommodated and how they should be acknowledged within individual state applications.

- **USED should not seek to control project implementation.**

While CCSSO supports the basic policies in the notice, we are concerned about provisions that appear to point to a higher level of federal control over project implementation than contemplated in other grant programs. Specifically, the proposed notice indicates that USED may require funded states to enter a performance or cooperative agreement. CCSSO believes that states, in exchange for very large federal discretionary awards, appropriately can be expected to commit to meaningful reforms and to transparency in accounting for their progress in achieving them. However, federal supervision of how a state implements its reform effort should not be part of that trade-off. That road would undermine state innovation and ownership of reform in its state, add undue administrative burdens, and ultimately undercut the value of the RTTT program. USED's intent on this issue needs to be spelled out in the final notice.

- **USED should adopt a competitive priority for RTTT proposals that are integrated with early learning reforms.**

The final notice should include a new *competitive priority* for state applications that emphasize the integration of RTTT proposals with comprehensive, birth-to-five early learning reforms. Improvement of services for infants and pre-schoolers, particularly for low income children, is vital to ensure that students start elementary school ready to learn and without significant learning deficits. These programs can contribute directly or indirectly to each of the four reform areas. Consistent with President Obama's priority for strengthening early learning programs, it is appropriate to give a priority to states that effectively integrate their RTTT proposals with their early learning initiatives.

- **No single criterion or assurance area should be weighted to make a state ineligible.**

The RTTT proposed notice indicates that USED will add maximum points for each criterion in the application notice and/or package, but does not include for public comment a proposal on how it will assign these points. Given the need for coherence among the four policy areas, as well as the fact that each state enters RTTT with a different context and opportunity for policy leadership and innovation, CCSSO urges USED to ensure in its weighting that no single criterion or assurance area can by itself eliminate states from competing for RTTT.

- **USED should clarify state discretion in using RTTT funds.**

CCSSO recommends that the final notice clarify the flexibility—

- of LEAs to decline RTTT funds; for example, if they are not prepared to commit to the state's RTTT plan;
  - of the state to decline to fund LEAs that are not prepared to make that commitment;
  - of the state in using the 50% of RTTT funds that are not required to be allocated by formula to LEAs -- for state level activities or for other competitive or formula grants to LEAs based on criteria selected by the state, consistent with its RTTT plans.
- **CCSSO supports USED recognition of state-led common standards and assessment efforts in the RTTT criteria.**

CCSSO supports the reform criteria affirming state-led efforts to collaborate on the creation, ongoing development, and adoption of common core state standards that are research- and evidence-based, aligned with college and career expectations, and internationally benchmarked. CCSSO and the National Governors Association (NGA) are coordinating a major effort by the states, with assistance from other national organizations, to develop common standards. We also support the planned \$350 million set-aside for a grant to a consortium of states for high-quality, cutting edge common assessments that measure the common core.

However, the proposed criterion for phase 2 RTTT applications is unrealistic in expecting that the common standards will have been adopted by each applicant by the spring of 2010. States are in different places and face unique procedures and challenges in adopting the standards. There needs to be some latitude for these differences in the adoption process, and we believe it would be counter-productive to this effort to have what will be understood as a federal deadline for adoption. CCSSO recommends that the phase 2 criterion be revised to call on states to demonstrate formal commitment and progress toward adoption of the common standards, and USED can then weigh the strength of the state's response through the application review process.

- **Data System criteria should measure progress towards adopting the elements under the America COMPETES Act.**

CCSSO supports the move toward implementation of all 12 elements of the America COMPETES Act. This criterion should value aggressive progress towards that goal as it may not be feasible for some states to adopt all 12 elements by 2011. In the four years that the Data Quality Campaign has been tracking states' progress toward their 10 essential elements, only six states have reached that goal. The creation of robust data systems takes both funding and time. The final

notice should specify that states should be able to demonstrate progress toward this goal, which they have already agreed to meet as a condition of accepting SFSF funding.

In addition, CCSSO supports the notion of rapid return of data but strongly believes that a specific "72 hour" timeline is overly prescriptive. States should be able to craft their own definition of this concept, and the appropriateness of their definition can be evaluated by USED in the selection process.

CCSSO further recommends adding a provision that states expand their longitudinal data system by linking with available data on young children; their participation in early childhood education programs; and the characteristics, quality, staffing, and funding of those programs.

Finally, as more fully addressed in our comments responding to the SFSF notice of proposed requirements, definitions, and criteria, the potential benefits of these state data systems as a foundation for reform, under the RTTT and otherwise, likely would be compromised if overly restrictive interpretations of the Family Educational Rights and Privacy Act (FERPA) remain in effect. USED needs to harmonize federal policy and, consistent with legitimate privacy protections, support robust data sharing by these data systems to meet educational needs. We applaud your commitment to issue further guidance on FERPA and strongly encourage you to take this opportunity to resolve these concerns.

- **CCSSO supports the core criteria on teachers and leaders.**

CCSSO supports the core criteria regarding effective teachers, including the inclusion of school leaders and efforts to establish meaningful/robust evaluation systems that are inclusive of student achievement data, but do not rely exclusively on such data or any single criterion. Our support is subject to the recommendation that states will be credited for compensation systems that involve school-based, team-based or individual-based measurements, not solely for processes to evaluate individual teachers and leaders. We also recommend that the plan criteria consider the inclusion of special education teachers and teachers of limited English proficient students in state plans to address teacher effectiveness and equitable distribution of teachers.

Our specific suggestions include:

- Criterion (C)(2)(iii), relating to teacher and principal tenure, should refer to their removal after they have received ample support as well as opportunities to improve but have not done so.
- Criterion (C)(4), relating to publicly reporting teacher and principal performance for each credentialing program should expressly include alternative certification routes.

- USED should retain criteria on struggling schools and make modifications to provide appropriate options for turnaround strategies and effective models.

CCSSO supports a focus on innovative, effective school models, including but not limited to charters. We recommend that the final notice language be broadened, so that charters and "charter-like" options and other models are included among school turnaround options. The focus should be on aggressive and effective interventions, not endorsement of any one structural approach. We also suggest that the school transformation model approach have equal weight to the other strategies mentioned before it (e.g. reassigning staff, charter schools, closing schools and re-assigning these students to other schools). To that end, CCSSO suggests that the school transformation model not be conditioned on the impossibility of implementing the other options. We also recommend that criterion (D)(1) concerning state authority to intervene in struggling schools be broadened to evaluate the quality of state plans and processes for providing supports and technical assistance to low-performing schools and districts. Similarly, we recommend that the RTTT application should value innovative approaches to supports and interventions that focus on building district capacity as well as targeting underperforming schools -- to ensure efficiency, effectiveness, and sustainability.

- CCSSO generally supports the Overall Selection Criteria in the proposed notice but recommends several changes.
  - The proposed notice contemplates specific sign-offs on the proposal from multiple stakeholders, including from LEAs, unions (including local unions), and business and civil rights organizations. CCSSO supports stakeholder commitment to the proposal from groups such as these as an appropriate criterion. However, if these are in fact viewed as minimum expectations, they would impose an extraordinary burden on the state. States should have some flexibility in how they demonstrate stakeholder commitment to the project, and the strength of that commitment should be a criterion to be evaluated along with other criteria.
  - The notice proposes to consider how states have used ARRA and other federal and state funds to pursue reforms. That is an appropriate criterion, but the final notice should clarify that it is not intended to prejudice states that have had to use state and SFSF funds to address budget shortfalls.
  - Consistent with the SFSF statutory goals to align standards with college and career readiness, the overall criteria should consider and include performance goals for college enrollment and completion rates, in addition to high school graduation and student achievement.
  - The overall criteria should also stress the need to address issues relating to the educational needs of students with disabilities and limited English proficient students across the assurance areas

oThe final notice should clarify that references to “student achievement” throughout the notice are not to be interpreted as being limited in measurement to a single assessment.

- **USED should consistently and accurately define “Extended Learning Time.”**

The notice should refer to “extended learning time,” rather than “expanded learning time,” consistently. We also suggest adding a definition of “extended learning time,” to include, for example, extended day/year initiatives, before and after school programs, online and summer learning opportunities. Similarly, we recommend that the notice clarify that the STEM competitive priority includes instruction and applied learning opportunities both during and beyond regular school hours.

- **USED Should Require and Define “Open Educational Resources.”**

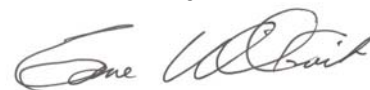
CCSSO supports requiring new investments for the development of educational instructional materials to be made available as “open educational resources.” CCSSO requests that the final notice include the words “open educational resources” with clear attributes listed instead of “freely available”.

- **USED peer review should recognize states’ unique contexts for reform.**

CCSSO urges USED to ensure that peer review teams include individuals with strong state-level knowledge and experience (including peer reviewers with rural and urban experience). Peer review teams also should be instructed not to push for pre-conceived policy solutions, but recognize state discretion in selecting innovative models that make sense in the state.

Thank you again for the opportunity to comment on the RTTT proposed notice.

Sincerely,



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Executive Director

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