

September 7, 2010

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



*Working with and  
Through our State  
Associations, NSBA  
Advocates for Equity  
and Excellence in  
Public Education  
through School  
Board Leadership*

**Re: National School Boards Association (NSBA) Comments on the  
Secretary of Education's Proposed Priorities for Discretionary Grant  
Programs  
Docket ID ED-OS-2010-0011**

Dear Mr. Secretary:

The National School Boards Association (NSBA), representing over 95,000 local school board members through our state school boards associations, is pleased to offer comments on the Notice of Proposed Priorities (NPP) and definitions for Discretionary Grant Programs for FY 2011 and future years.

Our comments are presented in two sections:

- General comments that address the process for adopting and implementing this comprehensive and significant notice, the opportunities for rural and small school districts, and specific priorities that should be free-standing priorities.
- Specific comments regarding several of the priorities and definitions contained in the Notice.

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**Office of Advocacy**

- *Earl C. Rickman, III  
President*
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Executive Director*
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## **GENERAL COMMENTS**

### **A. Recommendations for Further Public and Congressional Review**

NSBA recognizes the value in the Secretary's desire to establish Department-wide priorities to enable both the Department and prospective grantees to better focus federal financial assistance in competitive grant programs. However, we do have several concerns and recommendations for ensuring that the process for finalizing these broad-based priorities and definitions provides appropriate precedent for future agency action and produces the best substantive outcomes.

The Notice of Priorities covers a wide range of programs, involves a broad scope of high-level educational content, and will apply to billions of dollars of education funding. As such, the application of this notice to Department of Education programs will have significant and far-reaching policy implications on school districts across the nation.

The NPP will also apply to programs whose purposes and details have not yet been enacted into law. Further, the priorities set forth in the Notice can be applied, disregarded, or given varying weight to any competitive program as deemed appropriate by the Secretary. This Notice also contains definitions developed by the Department of Education, such as "effective teacher," whereas definitions of

comparable policy significance, like “highly qualified teacher” were developed in legislation and enacted into law.

Clearly, the significant policy impact that this Notice, en toto, will have on schools would appear to be on a level appropriately assumed by the legislative process. Accordingly, it is recommended that a more complete airing of the NPP, as well as the process the Department plans for applying it to specific programs—including how it intends to involve local educators and local policy makers in that process—be provided. It is also recommended that ED request that the Congressional committees of jurisdiction hold hearings to review this notice before its adoption. Especially with the forthcoming reauthorization of ESEA, the policy implications of this Notice should not work to limit or pre-empt the deliberative and representative function of Congress to set policy on the one hand. Nor should it unnecessarily create confusion and wasted effort at the state and local level through a change in program direction that is established by law in the coming months on the other. Further, if ED determines to move forward with this Notice, we recommend that it commit therein to providing the Congressional committees periodic reports and/or requests that it appear at oversight hearings to review the overall impact that these priorities and definitions are having on education through the competitive grant programs to which they are being applied.

## **B. Recommendations for Small and Rural School Districts**

NSBA remains concerned over the expansion of competitive grants vis-à-vis funding increases for formula programs—especially in these hard economic times. One reason relates to the premium that competitive grants place on the size, wealth and capacity of school districts to engage in quality grantsmanship. It is recommended that proper safeguards be put in place to ensure that small, rural schools and minimally staffed districts are not placed at a disadvantage in the application process due their much more limited financial resources, human capital and infrastructure. As proposed, it is unclear whether such safeguards would be established and how the application process and requirements would be altered for such school districts. As an example, the capacity to collect and analyze data would vary significantly among school districts. Yet, many of the schools and school districts for which the competitive grants are intended could be unsuccessful in being selected for the grants due to their limited resources and infrastructure in meeting the requirements of the application process.

## **C. Recommendations for Priorities Requiring Greater Attention**

1. *Education Technology.* NSBA is concerned that the Notice limits the priority on technology to STEM (e.g. a course of study), data collection, and as a tool for achieving cost savings (which can include educational programming). To effectively engage today’s “digital students,” we recommend that a more comprehensive view and higher value be placed on projects designed to utilize technology to raise academic achievement, develop student skills in the effective use of technology, support individualized instruction where appropriate, and provide professional development and expanded course offerings. Tools that support parental communication, student engagement and formative assessments should be applied across all curricular areas. In supporting technology initiatives that meet the educational needs of all children, we also recommend that the notice provide special recognition for projects that include services for high-need students.

2. *Healthy and Safe Environments.* Research clearly shows that healthy and safe environments influence student achievement. In addition to supporting programs that are specifically aimed at those program activities, it is recommended that this area be recognized as a priority for awarding competitive points for appropriate projects in relevant programs.
3. *Literacy.* NSBA is concerned that the Notice limits discussion of literacy to Priority 1 – early learning. State-funded pre-k programs currently serve just 24 percent of four year olds and four percent of three year olds in the U.S. Therefore, literacy instruction remains a fundamental instructional priority for elementary and secondary students. We recommend that literacy instruction and professional development be added as a fourteenth priority or that literacy be integrated throughout the remaining twelve priorities.

## COMMENTS ON SPECIFIC PRIORITIES AND DEFINITIONS

### I. Advancing Key Cradle-to-Career Educational Reforms

#### *Proposed Priority 1 – Improving Early Learning Outcomes*

*Comment:* NSBA supports early learning as a component of the agenda described in the Background section, as a priority for cradle-to-career reform and as a component of Priority 10 – enabling more data-based decision-making. It is well documented that high quality early learning experiences have many benefits, including reducing achievement gaps before children enter school and improving school readiness. Local school districts play a critical role in leading, planning and facilitating innovations in early education instruction and services. NSBA therefore recommends that the Secretary ensure that projects involving pre-school providers include effective collaboration, coordination and decision-making by them with their school districts in order to make sure young children, particularly those who are at risk, are ready for kindergarten and beyond.

#### *Proposed Priority 2 – Implementing Internationally Benchmarked, College- and Career-Ready Elementary and Secondary Academic Standards*

*Comment:* NSBA supports the voluntary adoption of state-developed common core academic standards among the priorities, although this should not be an absolute priority but one for which a competitive or invitational priority is assigned. We note that the proposed rules are silent regarding single states that have adopted equally rigorous standards. NSBA recommends that the language clarify that single-states that adopt standards which meet the rigor threshold would also be eligible to compete for such grants, and receive an appropriate sum of positive points for their academic diligence. We also want to reinforce our ongoing concern that the voluntary standards not evolve into a coercive force for any upcoming grant competitions or invitational program activities, nor should competitive points be awarded for a standard or set of standards that are not centrally relevant to the programs for which competitions are being conducted. In addition, for state projects involving or assuring the implementation of common standards, we recommend that the Secretary require recipient states to create and institute a system of capacity building for local school districts and schools, including supports and resources for ongoing professional

development, curriculum and instructional material development, and high quality technical assistance to ensure that schools will be able to successfully incorporate the new standards into classroom practices.

*Proposed Priority 3 – Improving the Effectiveness and Distribution of Effective Teachers or Principals*

*Comment:* NSBA supports programs to strengthen teacher and principal effectiveness within and across schools and to assure equity in the distribution of effective teachers and principals between high- and low-poverty schools. However, NSBA recommends that the Secretary take into consideration the challenges and barriers school districts face in achieving these goals in the context of negotiated labor agreements and other legal obligations when evaluating proposals. We urge that ED give school districts and schools flexibility under these circumstances.

*Proposed Priority 4 – Turning Around Persistently Lowest-Achieving Schools*

*Comment:* NSBA supports targeted projects to make dramatic improvements in student performance at persistently lowest-performing schools through projects to improve student achievement, increase graduation rates, and expand services to students. However, in identifying approaches, the four improvement models (turnaround, restart, school closure, transformation) promoted by the Administration in the Blueprint for the Elementary and Secondary Education Act are not necessarily the best strategies for all schools. Nor does the research demonstrate the pre-eminent success of these models over other approaches. Therefore, we recommend that when considering grant proposals, equal points be awarded to programs that are locally developed to meet local needs and are research based—even if they do not necessarily conform to one of the four school turnaround models promoted by the Administration. We also recommend that flexibility be given to grant proposals that target low performing schools that do not meet the definition of the “persistently lowest-achieving schools.” These low performing schools should not be precluded from effectively competing for turnaround funding or other programs targeted to low performing schools that are unable to produce acceptable outcomes for all students or groups of students but aren’t in the lowest 5 percent of performance in the state or over a 60 percent graduation rate.

## **II. Addressing the Needs of Student Subgroups**

*Proposed Priority 6 – Improving Achievement and High School Graduation Rates of Rural and High-Need Students*

*Comment:* NSBA supports increased strategies to improve high school graduation rates and access to and completion of college, rigorous postsecondary career or technical training among high-need students, as well as increasing the number of individuals who return to complete their graduation requirements. NSBA recommends additional language that supports the development of adequate data collection systems so as not to overburden schools and districts in meeting data collection and reporting requirements of students who are no longer enrolled in the secondary schools. Furthermore, we recommend adding language that provides incentives for schools and school

districts to implement initiatives, including alternative pathway programs that help high need students to stay in school and earn a diploma.

*Proposed Priority 7 – Promoting Science, Technology, Engineering, and Mathematics (STEM) Education*

*Comment:* NSBA supports projects to increase the number of students with interest, knowledge, and skills in STEM disciplines, particularly those from groups traditionally under-represented in STEM careers. NSBA recommends additional language that provides support for programs targeted to students enrolled in elementary or middle schools to ensure that strong foundations are established and nurtured. These include creating programs and incentives to increase the supply of knowledgeable math and science teachers, providing ongoing high quality subject-based professional development and resources to acquire, integrate, support and evaluate the use of technology in the classroom to provide students with the 21<sup>st</sup> century knowledge and skills needed for postsecondary education and the workplace. Further, NSBA encourages more interdepartmental cooperation and coordination between and among federal agencies, for example your Department and the National Science Foundation, in support of this goal.

*Proposed Priority 8 – Promoting Diversity*

*Comment:* NSBA supports emphasis on establishing and supporting diverse learning environments and reducing racial isolation as a paramount priority, with a strong presence throughout applicable programs, coupled with an anticipated goal of being embraced by grantees. The conditions of racial isolation and important elements of social and cultural well being of all students at the community and national levels must be addressed given their critical influence on increased educational achievement for all students. Accordingly, we recommend that the statement of priority—not just the background—explicitly state that this priority is aimed at promoting diversity in the academic and societal preparation of our youth.

*Proposed Priority 9 – Support for Military Families*

*Comment:* NSBA supports increased focus in addressing the unique needs of children of military personnel serving active and reserve duty. Such initiatives should be directed at ensuring that children of military families are not adversely impacted in their public elementary and secondary schools due to the relocation of their parent.

In addressing the unique needs of children of military personnel, NSBA urges the Secretary to ensure consistency in policy and regulations among all federal laws and programs such as Federal Impact Aid, the Interagency Compact on Educational Opportunity for Children of Military Families, the Elementary and Secondary Education Act (ESEA) and the Individuals with Disabilities Education Act (IDEA). Additionally, NSBA believes that the further expansion of federal programs for children of military personnel must be accompanied by sufficient fiscal and personnel resources to prevent additional restrictions on existing and future federal funding supporting the needs of the remaining students whose academic programs are already inadequate in many states and local communities across the nation.

### III. Building Capacity for Systemic Continuous Improvement

#### *Proposed Priority 10 – Enabling More Data-Based Decision-Making*

*Comment:* NSBA supports projects to provide educators and other school district employees, as well as families and a broad range of key stakeholders, with the data they need and the capacity and training to use those data to improve school readiness and increase student achievement. NSBA recommends additional language that seeks to give higher priority to projects designed to reduce the overall cost of the design and development of systems, recognizing that such systems need to be compatible across states and meet the data collection and reporting needs and requirements established by other federal, state and local government agencies. Since data are such an important tool for the classroom and beyond, it is critical that not only teachers, but also administrators and school board members, can access and know how to use data for their particular function in order to produce the best educational outcomes possible. In this regard, as the governing entity of the school system, school boards set the goals, policies, and priorities of the school system, as well as evaluate performance and approve programming. NSBA therefore recommends that local school boards be explicitly identified in the priority and that points be awarded to proposals that provide training for school boards, administrators and other personnel, in addition to teachers, on how best to use data to improve educational outcomes.

#### *Proposed Priority 11 – Building Evidence of Effectiveness*

*Comment:* NSBA supports the use of evidence to evaluate the impact of programs and projects. NSBA agrees that random assignment and quasi-experimental research designs are the most rigorous research designs but is encouraged that other research designs will be allowed when appropriate and when they are consistent with principles of scientific research. The flexibility should be allowed for smaller programs and projects to be evaluated even though they may not have the number of participants needed for a random assignment or quasi-experimental research design. Furthermore, the flexibility will also provide additional information for districts on how to improve their programs and projects.

#### *Proposed Priority 12 – Supporting Programs, Practices, or Strategies for Which there is Strong or Moderate Evidence of Effectiveness*

*Comment:* NSBA supports projects with a strong evidence base (as defined in the notice), and they in turn should receive more points than a project that is supported by moderate evidence (as defined in the notice). NSBA recommends, however, additional language in the definition of “Strong Evidence” to indicate that experimental and quasi-experimental studies supporting the effectiveness of the practice, strategy, or program, with small sample sizes or other implementation or analysis that limit generalizability are considered strong evidence if based on more than one well-designed and well-implemented study. Without such flexibility rural and other small district programs and projects will not be eligible for the maximum number of points simply because they do not enroll enough students to conduct a larger study that can generalize to a larger population. However, such smaller studies may be generalizable to rural and other small districts, although not to the state, regional, or national level, which enroll a significant number of students nationwide.

NSBA recommends language to ensure research on rural and other small districts has the same chances of receiving maximum points as research in larger districts.

## PROPOSED DEFINITIONS

In addition to offering comments regarding the proposed priorities, NSBA would like to comment on the proposed definitions of selected terms:

- 1) *Effective and highly effective principal.* NSBA supports a sharpened focus on student outcomes in evaluating the effectiveness of principals. However, we recommend that such evaluations not be tied only to standardized testing and that school districts have the flexibility to use other locally determined measures that are deemed valid and rigorous in the process.

The Notice defines effective and highly effective principals as those whose students, overall and for each subgroup, achieve “acceptable rates” and “high rates” of growth, respectively. It gives an example of at least one grade level’s growth in an academic year for acceptable growth; and one and one-half grade levels’ growth in an academic year as high growth. During the Race to the Top competition, ED officials have indicated that these examples are not requirements or definitions and that how much growth is needed is determined at the local level. We urge the Secretary to adhere to this latter policy when awarding competitive grants to allow the definitions of “acceptable” and “high” rates of growth to be determined at the local level depending on the needs and performance of the students.

- 2) *Effective and highly effective teacher.* NSBA supports a sharpened focus on student outcomes in evaluating the effectiveness of teachers. However, we recommend that such evaluations not be tied only to standardized testing and that school districts have the flexibility to use other locally determined measures that are deemed valid and rigorous in the process.

The Notice defines effective and highly effective teachers as those whose students achieve “acceptable rates” and “high rates” of growth, respectively. It gives an example of at least one grade level’s growth in an academic year for acceptable growth; and one and one-half grade levels’ growth in an academic year as high growth. During the Race to the Top competition, ED officials have indicated that these examples are not requirements or definitions and that how much growth is needed is determined at the local level. We urge the Secretary to adhere to this policy when awarding competitive grants to allow the definition of “acceptable” and “high” rates of growth to be determined at the local level depending on the needs and performance of the students.

- 3) *Graduation rate.* NSBA supports the use of the four-year adjusted cohort graduation rate. However, NSBA recommends that all states be able to include an extended-year adjusted cohort graduation rate to take into account all students who graduate with a standard diploma even if it took longer than four years to complete.
- 4) *High-poverty school.* This definition establishes 50 percent as the threshold for eligibility, contrasting with language under Sec. 1114 of the Elementary and Secondary Education Act setting a 40 percent requirement for school-wide programs. NSBA recommends more flexible language in this regard that

recognizes schools may be in need of improvement assistance which have higher or lower percentages of students in poverty depending on their relative performance within the state. For example, there may be schools determined to be “persistently lowest-achieving” that have much lower percentages of the specific category of students identified, or in other words a lesser level of poverty, with a lower level of performance.

- 5) *Military-connected students.* NSBA recommends language that clarifies the eligibility when such students are no longer residing with the military parent. Is it the intent that all students with at least one military parent should be eligible even when such students reside with the other parent due to divorce or other custodial reason?
- 6) *High-need children and high-need students.* The definition should be expanded to address “migratory and mobile” children, an ever-increasing sector of pupils whose education is often disrupted throughout the school year by uprooting because of family moves in pursuit of new or relocated employment, or better or alternative living conditions.
- 7) *Persistently lowest-achieving schools.* This definition includes a requirement that the high school have a graduation rate of less than 60 percent. In some communities the graduation rate could be higher with the school still being identified as among the lowest performing schools. NSBA recommends language that would provide states or LEAs flexibility in such determinations subject to higher level approval.
- 8) *Strong evidence.* NSBA recommends language to indicate that evidence on practices, strategies, or programs that support a small number of students, which limits a study’s ability to generalize its findings to a larger population, can be considered ‘strong’ if supported by more than one previous study.
- 9) *Student achievement.* NSBA supports the use of multiple measures beyond test scores, including locally-developed assessments, observational standards and portfolios, to define student achievement with enough flexibility that recognizes the definition applies to an array of current programs and a multitude of potential future programs. There should be enough latitude to take into account student achievement measures not based totally on standardized tests, but also including other considerations that adequately reflect a rich and well-rounded education.
- 10) *Student growth.* NSBA supports the use of multiple measures to calculate the growth in student achievement over time.

## CONCLUSION

Overall, the Notice identifies proposed priorities whose general direction NSBA supports. However, as we indicated there are priorities that should be refined or made more explicit and others that should be added. In seeking to establish a comprehensive approach to unify a wide range of competitive grant programs to meet the larger goals of the Department, the Notice will operate as a major policy initiative in public education. Therefore, NSBA’s comments have been directed as much at the application of the priorities as their content—without the benefit of knowing the specific state and local grant programs to which each priority will be applied, the process for determining how they will be applied, or their ultimate

impact, especially in light of the forthcoming reauthorization of ESEA. For all of these reasons, we reiterate our recommendations that the Notice be given a more thorough vetting than a 30 day written comment period and further that ED's obligation to defer to the legislative process be determined, including whether the NPP should be taken up following the enactment of the ESEA reauthorization.

Thank you for the opportunity to comment. Questions concerning our response may be directed to Reginald M. Felton, director of federal relations at 703-838-6782, or by e-mail, [rfelton@nsba.org](mailto:rfelton@nsba.org).

Sincerely,



Michael A. Resnick  
Associate Executive Director

MAR: rf/kc  
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