

**Harkin-Enzi Reauthorization Legislation October 2011 –
FairTest Notes/Summary/Analysis**

Title II

“PART A—CONTINUOUS IMPROVEMENT AND SUPPORT FOR TEACHERS AND PRINCIPALS [p. 267]

“SEC. 2101. PURPOSE.

“The purpose of this part is to provide grants to State educational agencies and subgrants to local educational agencies to enable such agencies to improve academic achievement for all students, including students with disabilities and English learners, by—

“(1) providing professional development that is designed to improve instruction and student achievement;

“(2) implementing rigorous teacher and principal evaluation and professional development systems; and

“(3) improving the equitable distribution among schools of teachers based on results of State and local evaluation systems.

“SEC. 2112. STATE APPLICATIONS. [274]

“(A) ensure that each local educational agency in the State that receives a subgrant under subpart 2 implements a teacher and principal evaluation system that meets the requirements specified in section 2123 and is consistent with State definitions and parameters provided under paragraph (6);...

“(D) provide for the equitable distribution of highly qualified and highly rated teachers, consistent with section 1111(b)(1)(I), within individual local educational agencies and the State to ensure that low-income and minority students are not taught at higher rates than other students by teachers who receive a performance rating in the lowest categories;

The money will, as with Title I, be distributed to the states (and thence to LEAs) as a noncompetitive grant program, so states will in theory have the money to carry out the work required [?].

“SEC. 2113. STATE USE OF FUNDS.[279]

Subpart 2—Subgrants to Local Educational Agencies [283]

3 “SEC. 2121. ALLOCATIONS TO LOCAL EDUCATIONAL AGENCIES.

95% pass-on to LEA’s. Use 2-5% at state to improve principals, and if any \$ left can use for a list of items that includes monitoring \$ use by LEAs, “provide technical assistance to local educational agencies to support the design and implementation of a system to evaluate teachers and principals that meets the requirements described in section 2123, including...”

‘ ‘ S u b p a r t 2 — S u b g r a n t s t o L o c a l
E d u c a t i o n a l A g e n c i e s

“SEC. 2121. ALLOCATIONS TO LOCAL EDUCATIONAL AGENCIES.” [285]

Like Title I, goes to LEAs via a formula.

“SEC. 2122. LOCAL APPLICATIONS AND NEEDS ASSESSMENT.”

Non-competitive grant, so LEA’s must apply. LEA’s must:

“(2) conduct, with the involvement of school staff and other stakeholders, as applicable, an assessment of the needs of the local educational agency in the areas set forth in the performance measures described in section 2141(b).”

Contents of the plan include”

- “A description of how the local educational agency will improve or implement a teacher and principal evaluation system that is consistent with the requirements of section 2123(b).”
- “plan for using subgrant funds, and other Federal, State and local funds, to provide for the equitable distribution of teachers and principals within the local educational agency so as to ensure that low-income students and minority students are not taught at higher rates than other students by teachers in the lowest rating categories.”

“SEC. 2123. LOCAL USE OF FUNDS.”

“(a) IN GENERAL.—A local educational agency that receives a subgrant under section 2121 shall use subgrant funds to increase student achievement for all students, including English learners and students with disabilities, by increasing the number and percentage of its teachers and principals in the highest rated categories, and to ensure the equitable distribution of those highly rated teachers, through 1 or more of the following activities:”

Includes prof dev, reduce class size K-3, induction or mentoring program, increasing teacher capacity to evaluate student work, equitable distribution actions, career ladders, change compensation structures to produce incentives,

“(b) LOCAL EDUCATIONAL AGENCY REQUIREMENTS FOR TEACHER AND PRINCIPAL EVALUATION.” [289]

“(1) IN GENERAL.—Not later than 5 years after the date of enactment of the Elementary and Secondary Education Reauthorization Act of 2011, each local educational agency that receives a subgrant under this subpart shall develop and implement a teacher and principal evaluation system, which may be implemented statewide, consistent with State definitions and parameters described under section 2112(b)(4) that—

“(B) defines and names not less than 4 categories of teacher and principal performance;”

“(G) for teachers—

(i) shall—

(I) be based in significant part on evidence of improved student achievement; and

(II) include observations of classroom teaching aligned with clause 10 (ii);

and

(ii) may include other measures but only if such measures are valid predictors of student achievement, including those that have been specifically shown to identify teachers with improved student achievement, such as student surveys and evidence of classroom practice gathered through multiple formats and sources; and

- (H) for principals, shall be based—
 - (i) in significant part on evidence of improved student achievement and student outcomes;
 - (ii) on evidence of providing strong instructional leadership and support to teachers and other staff; and
 - (iii) on evidence of parent and family engagement.”

“(2) STUDENT ACHIEVEMENT. [291] –For purposes of this subsection, student achievement means—

(A) for grades and subjects for which there are assessments as described in section 1111(a)(2)—[statewide tests]

(i) a student’s results from the State’s assessments under such section or other statewide assessments; and

(ii) as appropriate, other measures of a student’s learning, consistent with subparagraph (B); and

(B) measures of a student’s learning and performance, such as end-of-course tests, and other measures that are rigorous and comparable across schools in a school district and that are aligned with the State academic content standards and student academic achievement standards under section 1111(a)(1).”

[This seems to mean that statewide tests must be used, but local tests or other assessments can be used. The implication is that things other than tests are not likely to be given a fair shake, though this could vary by state. Given districts are making cuts, funds other than what is available through Title II are unlikely to be available. The likelihood is many districts will purchase off the shelf tests, which to save costs and be “efficient” are likely to be all or mostly multiple-choice. Nothing here suggests a district could not decide to evaluate teachers in a subject other than reading and math using the reading and math scores, as is happening now in some districts. In addition, other than observations, which are required (and will be another major cost) other sources of information that do not correlate with boosting test scores are not allowed to count. Thus, for example, a teacher who helps students learn to do better research papers can only get such evidence used if it also has produced test score gains, even though the tests have nothing to do with assessing how well students to research. (Presumably, however, a district-wide research paper could be an assessment, and thus getting students to improve on that would count.) Once again, this process will rely enormously on student test scores, will induce another wave of increase of standardized testing. I think (am not certain) these requirements are of all districts in a state that obtain a Title II grant, but districts that do not can avoid the narrowing, punitive aspects of this requirement. Of course, it is only wealthier districts that don’t get Title II funds.

Note also that the Republican bill makes development of a state evaluation system optional for states, while this bill (Harkin-Enzi) does not. The Republican bill is in that regard clearly superior. It also requires use of student test scores in teacher eval for any state that chooses to use discretionary \$ in this manner (which FEA opposes) but it does not require that other evidence correlate with student test scores (and is thus preferable). [Check this]

“(c) COMPLIANCE.—Each local educational agency located in a State that has implemented the requirements described in section 2112(b)(1)(A) shall only be required to comply with the requirements under section 1119(a)(1) as they relate to new teachers. [Not sure what this means]

‘ ‘ S u b p a r t 4 — A c c o u n t a b i l i t y [2 9 2]

“SEC. 2141. ACCOUNTABILITY.

“(4) TEACHER AND PRINCIPAL PRIVACY.[293] –No state or local educational agency shall be required to publicly report information in compliance with this subsection in a case in which the results would reveal personally identifiable information about an individual teacher or principal.”

Good! But is it enough – does not bar it.

“(b) INFORMATION AND PERFORMANCE MEASURES.—Each State Report and Local Educational Agency Report shall contain, as appropriate”...

- (1) distribution of teachers across state and LEAs in low income and high minority districts by the 4 performance rankings;
- (2) same for tchr and princ retention rates
- (3) # provisional teachers
- (4) same as 1 and 2, for teacher preparation programs

[Will therefore provide the evidence basis for attacking schools of ed and other programs whose grads do not sufficiently boost their students test scores. The inaccuracies and dangers identified in using student scores to judge teachers will be compounded when trying to ascribe the teachers’ students’ test scores to the teachers’ preparation programs. As it is generally more difficult to boost test scores for students suffering the chronic effects of poverty, not only will these provisions diminish the desire to teach in schools with concentrated poverty (which may or may not be compensated via ‘incentives’ – ‘let’s teach the poor kids for a while for higher pay’—it will diminish efforts of schools of education to prepare teachers to work in these low-income communities. Not only low income, any groups whose scores tend to be low and harder to increase over time, including ELLs and students with disabilities. In general, the tying of teacher eval to student scores will diminish the likelihood of retaining strong teachers in low-income etc communities. If, after debate, the Senate decides to continue to allow uncertified teachers in programs such as Teach for America to be deemed ‘certified’ or ‘licensed,’ then the use of short-time teachers (e.g., 2-3 years) in low-income communities will increase greatly. The H-E bill would allow this in its current form as it allows one who has a B.A. and passed a “rigorous test” but is not (yet) certified to be deemed “highly qualified” – see definition 34 at Sec 9101, at page 767]