



August 1, 2016

Docket ID ED-2016-OESE-0032
RIN 1810-AB27

The Honorable John B. King, Jr.
Secretary
U.S. Department of Education
400 Maryland Ave, SW
Washington, DC 20202

Dear Secretary King:

The American Association of Colleges for Teacher Education (AACTE) is a national alliance of educator preparation programs dedicated to high-quality, evidence-based preparation that assures educators are profession-ready as they enter the classroom. More than 800 member institutions include public and private colleges and universities in every state, the District of Columbia, the Virgin Islands, Puerto Rico, and Guam. Through advocacy and capacity building, AACTE promotes innovation and effective practices that strengthen educator preparation.

As we embark on implementation of this new law, it is vital that educator preparation be actively engaged to ensure the entire educator pipeline is fully integrated into this opportunity to reform K-12 education. We are pleased to submit this response to the U.S. Department of Education's Notice of Proposed Rulemaking (NPRM) released through the Federal Register on May 31, 2016, addressing accountability and the state plan for the newly reauthorized Elementary and Secondary Education Act. We offer our responses to several sections of the NPRM that we view as important to educator preparation.

Section 200.21 Comprehensive Support and Improvement

AACTE is pleased to see the attention given in 200.21(d)(4)(i)(A) to identifying and addressing resource inequities with respect to the disproportionate rates of ineffective, out-of-field, or inexperienced teachers identified by the state and LEA consistent with sections 1111(g)(1)(B) and 1112(b)(2) of the Act. However, we are concerned that these two sections of the law focus on low-income and minority students to the exclusion of other subgroups, such as students with disabilities and English language learners, who also experience educators who are inexperienced, ineffective, or teaching out of field. The profession aims to have all students served by effective educators and looks forward to the opportunity to engage with states and LEAs to improve persistent staffing inequities in our nation's most challenging schools.

Section 200.22 Targeted Support and Improvement

AACTE is pleased to see the attention given in 200.22(c)(7)(i)(A) to identifying and addressing resource inequities – and their effect – on each low-performing subgroup in the plan for targeted support and

improvement. A review of LEA and school-level resources is critical to assist in the creation of an improvement plan to address the disproportionate rates of ineffective, out-of-field, and inexperienced teachers as identified by the state and LEA. However, as with Section 200.21 previously addressed, the two sections of law cited in the regulation focus solely on low-income and minority students, leaving out other subgroups. The regulations should stipulate that the resource study include all subgroups, with a deeper focus on the lowest performing subgroups.

Section 200.37 Educator Qualifications

It is critical that LEAs report on the qualifications of their teachers, including the disaggregation by high-poverty and low-poverty schools, and make this information publicly available. With each state determining its own definition for “inexperienced” teachers, principals, and other school leaders, this definition should also be clearly shared to ensure transparency and ease of understanding. In addition, in 200.37(a)(2), where LEAs must report on teachers with emergency or provisional credentials, the report should also include all the levels of emergency and provisional credentials as well as their duration and the requirements for renewal at each level. In 200.37(b)(2), where the state must adopt key definitions, educator preparation should be included as one of the stakeholders present and participating in the creation of such definitions.

Section 299.18 Supporting Excellent Educators

Sections 2101 and 2102 of the Every Student Succeeds Act establish requirements for the applications by each state and for the subgrant applications by LEAs for the state allotment. In 299.18(a)(1), the state is required to describe its system of certification and licensure for teachers, principals, and other school leaders. It is imperative that this description include the levels of emergency and provisional credentials as well as their duration and the requirements for renewal.

In 299.18(a)(2), the proposed regulation requires the consolidated plan to include a description of the state’s system to ensure adequate preparation of new educators, particularly for low-income and minority students. However, the referenced sections of the law include no such requirement. In 2101(d)(2)(H), the law requires an assurance that the state education agency will work in consultation with the entity responsible for professional standards and certification as well as with educator preparation to promote the readiness of new educators entering the profession. In 2101(d)(2)(M), the law requires that the application include a description of actions that the state may take to improve preparation programs based on the state’s needs. The requirement in the proposed regulation is in essence new, and further clarification is needed as to the information and format expected by the Department in this section. Furthermore, it is critical that the regulation require educator preparation to be among the stakeholders to be consulted for the crafting of the consolidated state plan.

Section 299.18(c) addresses the challenge that faces high-need schools across this nation, which often serve low-income and minority students – the challenge being disproportionately high percentages of ineffective, out-of-field, or relatively inexperienced teachers. The regulation requires the SEA to craft rates and comparisons between various student subgroups and the qualifications of their teachers. However, it ignores subgroups including students with disabilities and English language learners, which should not be left out. The public reporting of the rates should also include the definitions used for ineffective, out-of-field, and inexperienced teachers for clarity and transparency.

In 299.18(3)(c)(6), actions must be taken if the SEA has determined that low-income or minority students at schools receiving Title I Part A funds are disproportionately taught by ineffective, out-of-field, or inexperienced teachers (as defined by the state). To achieve these requirements, 299.18(3)(c)(7) gives the SEA options that include denying an LEA its Title II funds if it does not plan to use these funds to address this disproportionality. However, the regulation does not establish a timeline for distributing the funds, and the plans are not required annually. The regulation should clarify these instances.

Definitions

While it is in the purview of each state to establish definitions, the profession, the public, and policy makers would benefit from uniformity in key definitions as we move to strengthen our K-12 education system. We recommend the following:

- Define “inexperienced teachers” as teachers with less than three years in the classroom, which is aligned with current research. Many studies show that teachers become significantly more effective after three years.
- Define “out-of-field teacher” as any teacher who is not fully certified by the state to teach the subject area, grade level, or student population to which he or she is assigned.

In defining “effectiveness,” we would encourage states and districts to base determinations on multiple measures that reflect varying degrees of effectiveness and to distinguish between inexperienced and experienced teachers:

- For “inexperienced teachers” (with less than three years in the classroom), base effectiveness ratings on the extent to which they have successfully and fully completed their preparation program and other measures of promising practice, including successful performance on robust, field-specific teacher performance assessments that validly and reliably measure whether a teacher can successfully teach diverse students in the classroom.
- For “experienced teachers” (with three or more years in the classroom), base effectiveness ratings on the extent to which they meet professional teaching standards, their efforts to collaborate with colleagues to improve learning within the school, and appropriate and multi-faceted evidence of their contributions to student learning over multiple years.

Thank you for the opportunity to submit recommendations on this section of the Every Student Succeeds Act regulations. Should you need further information or resources, please contact Deborah Koolbeck, AACTE’s Director of Government Relations, at dkoolbeck@aacte.org or 202-478-4506. We look forward to working with you to achieve successful implementation of the law.

Sincerely,



Sharon P. Robinson, Ed.D.
President & CEO