

April 16, 2014

Honorable Arne Duncan
Secretary
United States Department of Education
400 Maryland Avenue SW
Washington D.C., 20202

**RE: HIGHLY QUALIFIED TEACHERS DATA COLLECTION
(DOCKET ID ED-2013-ICCD-0121)**

Dear Secretary Duncan:

As organizations committed to ensuring that every child has equal access to a fully-prepared and effective teacher, we submit the following comments regarding the Department of Education's proposed data collection on "highly qualified teachers" (HQTs) published in the Federal Register on March 19, 2014.

WHO WE ARE

The Coalition for Teaching Quality is comprised of 96 national, state, and local organizations committed to the principle that federal policy must ensure all students access to teachers and school leaders who enter the profession well-prepared to succeed and who prove themselves effective once there. Together, we represent a diverse spectrum of civil rights, disability, parent, student, community, educator, and education policy organizations.

The Coalition for Teaching Quality formed in response to Congress's action in the December 2010 Continuing Resolution (CR) (P.L. 111-242, Sec. 163) that labeled teachers-in-training enrolled in alternative route programs as "highly qualified," which enables their disproportionate concentration in low-income, high-minority schools without notice to parents or the public. In the September 2012 CR (P.L. 112-175, Sec. 145), Congress extended this provision through June 30, 2014, and also required the Secretary of Education to report by December 31, 2013 on the extent to which certain high-need subgroups (special education, English language learners, low-income, and rural students) are taught by teachers-in-training. Most recently, the October 2013 CR extended the highly qualified teacher (HQT) provision for an additional two years through the 2015-16 school year.

The Coalition for Teaching Quality is concerned that our nation’s highest need students have suffered over the last four years as Congress has made a series of decisions to extend the HQT provision. Recognizing, as the Department does, that “accomplished, effective teachers and school leaders are at the heart of our education system,”¹ the Coalition for Teaching Quality seeks within the ESEA reauthorization process a long-term solution to this critical policy question: what should the entry-level standards be for all teachers, regardless of where or whom they are teaching.

I. THE HQT DATA COLLECTION IS ESSENTIAL TO ENSURING EQUITABLE ACCESS TO GOOD TEACHERS

The No Child Left Behind Act (P.L. 107-110) (NCLB) carried for the first time the promise of equitable access to fully-prepared, “highly qualified,” and experienced teachers. It sought to end longstanding patterns of inequity across the nation, whereby low-income and minority students have historically been disproportionately assigned the least-prepared and least-experienced teachers. To that end, Title I requires that “poor and minority students are not taught at higher rates than other children by inexperienced, unqualified, or out-of-field teachers.” (20 U.S.C. 6311(b)(8)(C)). In 2009, Congress reaffirmed its commitment to addressing this problem in the American Reinvestment and Recovery Act (Sec. 14005(d)(2)). However, we know from the latest Civil Rights Data Collection that widespread inequitable access remains. For example, minority students and English learners are three to four times as likely to be taught by novice teachers than white students.² Given data available in some large states, we have reason to believe that these inequities are even greater because the current definition of “highly qualified teacher” includes teachers-in-training and thereby conveys false information on the true distribution of highly qualified teachers.

As Congress grapples with how best to ensure equitable access to good teaching—and specifically with the question of whether teachers-in-training enrolled in alternative route programs should be labeled “highly qualified” and permitted to be concentrated in low-income, high-minority schools—Congress has required the U.S. Department of Education to provide information regarding the students most affected by its recent CR policy decisions when it issued the following directive in Section 145 of Public Law 112-175:

“(c) Not later than December 31, 2013, the Secretary of Education shall submit a report to the Committees on Appropriations and Health, Education, Labor, and

¹ U.S. Department of Education, A Blueprint for RESPECT, April 2013, at 9.

² <http://ocrdata.ed.gov/Downloads/CRDC-Teacher-Equity-Snapshot.pdf>

Pensions of the Senate and the Committees on Appropriations and Education and the Workforce of the House of Representatives, using data required under existing law (section 1111(h)(6)(A) of Public Law 107-110) by State and each local educational agency, regarding the extent to which students in the following categories are taught by teachers who are deemed highly qualified pursuant to 34 C.F.R. 200.56(a)(2)(ii) as published in the Federal Register on December 2, 2002:

- (1) Students with disabilities.
- (2) English Learners.
- (3) Students in rural areas.
- (4) Students from low-income families.”

Indeed, statements in the Congressional Record of September 12, 2013 about the data collection provision highlight Congress’s need for this data:

While we know many students are being taught by these teachers-in-training, we do not know if these teachers are equitably distributed among high need schools, in which states they are concentrated, or which student subgroups they are teaching. The report will provide this information and will be vital for developing policies to ensure every child in America receives a high quality education. 158 CONG. REC. S6596 (Sept. 21, 2012) (statement of Sen. Murray).³

II. THE PROPOSED DATA COLLECTION IS AN IMPORTANT FIRST STEP TOWARDS MEETING THE LEGISLATIVE INTENT OF SECTION 145

The Coalition for Teaching Quality is pleased that the Department is moving forward with the HQT data collection, as required by Section 145 of Public Law 112-175. We thank the Department for responding to our concerns regarding a proposed sample strategy, and instead moving forward with a data collection from all 50 states, as required by Congress and as a number of members of Congress specifically requested of the Department. We also appreciate the Department responding to our previous comments, specifically for revising the definition of alternate route to certification program, for answering questions regarding the inclusion of charter schools, and for considering making the data available in a searchable database with contextual aggregate data.

The Department clearly understands the importance of accurate and reliable data on our nation’s students and their schools, as evidenced by the Department’s numerous

³ See also 158 CONG. REC. H5956 (Sept. 13, 2012) (statement of Rep. Chu); id. (statement of Rep. Honda); 158 CONG. REC. E1711 (Oct. 19, 2012) (statement of Rep. Grijalva)

data collection activities, as is stated in the Department’s strategic plan, and as Secretary Duncan has stated. We hope that the Department will continue its dedication to valid and reliable data collection, and we hope to see continued interest from the Department in ensuring that all students have equal access to teachers who are fully prepared before they enter the classroom.

As we have previously stated, the report that the Secretary will submit to Congress will contribute significant information to the national education debate. Policymakers will use it when they reauthorize the Elementary and Secondary Education Act (ESEA), which is long overdue for a reauthorization, and in drafting other policy that benefits all students. Teachers, parents, and other education stakeholders will also be able to use information from this report to best determine how to ensure all children have access to fully prepared and effective teachers.

III. CONCERNS AND SUGGESTIONS FOR IMPROVING THE QUALITY, UTILITY, AND CLARITY OF THE DATA

Below we highlight seven concerns and suggestions for improving this data collection.

1. **We restate our request that the Department make the data provided in the Secretary’s report transparent and broadly accessible to parents and the public through a searchable database that provides both state-level and LEA-level data, both of which are required under the statute.**

We appreciate that the Department is taking this request under consideration and reiterate why this is an important consideration. The current Elementary and Secondary Education Act, as well as the Department itself, place a premium on using data to inform decision-making and hold states, districts, and schools accountable for results. To that end, ESEA creates numerous structures—such as annual report cards and parent-right-to-know letters—to provide parents and the public with annual, transparent data about school performance and teacher quality, including equitable access to teachers. Similarly, the Department has done an excellent job of making the CRDC data available through a user-friendly, searchable database. As with some other data the Department collects, the Department should make the data from this proposed data collection available to the public through an easy-to-use searchable database, by state and LEA. This will increase the utility of the data by allowing the raw data to be used by all stakeholders.

It is important to note that Congress required the Department to submit a report with *both* state-level and LEA-level data. LEA data is essential for identifying intra-state

inequities in access to fully-prepared teachers. Given the 17,000 LEAs in the nation, a searchable database may simply be the most expedient way to meet Section 145's statutory mandate.

2. The Secretary's report must provide critical contextual data in order to make the data collected useful and meaningful.

Again, we appreciate that the Department responded to this original request by stating that every effort will be made to provide this data, and we again repeat our request and reiterate the importance of providing critical contextual data. In order for Congress and the public to make useful comparisons between states, districts, and subgroups of students, the report—and, we hope, the accompanying searchable database—must provide essential contextual data. For example, the Department proposes to collect data on the number of “highly qualified” Title III teachers as well as the number of these teachers enrolled in alternative route programs. However, without knowing the total number of English learner students in the district, these numbers will be far less meaningful. To that end, we request that the report and database provide the following additional contextual data:

- Data on the total number and percentage of students in the state/LEA overall, and for each of the report's subgroups;
- Data on the total number and percentage of teachers who are *not* highly qualified, which will provide critical context to the numbers the Department is already planning to report on HQTs and the sub-category of HQTs who are currently enrolled in alternative route programs;
- All data using both raw numbers and percentages.

Importantly, as noted in Supporting Statement A (p. 5), this is data that the Department already collects and has available through other data collections. It does not represent a significant additional burden for the Department, and it should cause no additional burden for states or LEAs.

3. Section 145 requires the Department to report student-level data, not teacher-level data as the Department has proposed.

We are disappointed that the Department did not take our recommendation that the data be collected at the student-level, as required in Section 145 of the CR. As we stated in our November 2013 comments, the proposed collection of teacher-level data will not provide the data that Congress asked for. Section 145 requires the Department to report “the extent to which *students* in the following categories” (students with disabilities,

ELs, rural students, and low-income students) are taught by alternative route teachers-in-training. The Department acknowledges in Supporting Statement A, p.5 that its proposed data collection fails to comply with Section 145: “ED concluded that using the teacher as the unit of analysis in the data collection would be far less burdensome on respondents than using the student as the unit of analysis, *which would have been the necessary approach for the meeting the specific reporting requirement in the CR.*”

Although there may be a time cost associated with collecting data in this manner, the Department should have directed the data collection in accordance with the statute and with enough time to submit a timely final report to Congress. Without accurate student-level data, the report’s ability to examine teacher distribution in the manner Congress directed is significantly limited.

4. The use of district-level (rather than school-level) rural and low-income data does not adequately address the requirements of Section 145.

We are also disappointed that the Department did not change their plan to estimate district-level data instead of school-level data. Even accepting for present purposes the Department’s flawed methodology of using the teacher as the unit of analysis, the use of *district-level* rural and low-income data, rather than *school-level* data for rural and low-income students will not present a full and accurate picture of the extent to which these student groups are taught by teachers who are still enrolled in alternative certification programs. The Department still proposes only “to approximate the percent of each district” using existing data and then to apply these percentages to the reported count of all teachers and all HQTs enrolled in an alternative route program. (See Attachment A, p. 5) Thus, as proposed, the Department’s report might show that a district with over 75 percent of students eligible for free or reduced price lunch (see below for further discussion of this as criteria for low-income) has 100 teachers-in-training through alternative routes, but it may mask the extent of the problem because it will fail to show whether the low-income students are concentrated at certain schools where those 100 teachers-in-training are also concentrated.

To better comport with the statute—that the Department admittedly is not fully addressing—and to provide a more accurate picture of the extent to which low-income, rural, special education, and English learner students are taught by teachers-in-training enrolled in alternative route programs, the Department should collect additional data. Rather than overlaying low-income and rural *LEA* data, which will not provide accurate data on the extent these subgroups of students are taught by alternative route teachers-in-training, the Department should at a minimum require LEAs to report *school-level* data on the number of alternative route teachers-in-training teaching in low-income

schools (discussed below) and the number of alternative route teachers-in-training teaching in rural schools. To accomplish this, we recommend the addition of four additional data points on Attachment B, p. 3:

- number of highly qualified teachers teaching in low-income schools
- number of highly qualified teachers teaching in low-income schools who are currently enrolled in an alternative route to certification program
- number of highly qualified teachers teaching in rural schools
- number of highly qualified teachers teaching in rural schools who are currently enrolled in an alternative route to certification program.

5. The Department's proposed low-income criteria will leave many students out.

Accepting, just for present purposes, that the Department's flawed methodology of using the teacher as the unit of analysis and estimating the number of rural and low-income students by district rather than by school, the Department's proposal to base low-income status on the percentage of students eligible for free and reduced price lunch (FRPL) from the Common Core of Data is flawed and will result in a significant number of high schools not being classified as low-income. The Coalition for Teaching Quality fully supports the comments and recommendations of the Alliance for Excellent Education regarding making the determination whether an LEA, and the individual schools within the LEA, serve a significant number of low-income students. Instead of basing the low-income determination status on percentage enrollment in FRPL, for high schools this determination should be based on measuring the school's poverty rate using the higher of the measures included in Section 1113(a)(5) of the Elementary and Secondary Education Act (ESEA) or the "feeder pattern" (determined by applying the average percentage of students in low-income families of the elementary or middle school attendance areas that feed into the secondary school to the number of students enrolled in such school). Further, the Coalition is concerned that the poverty threshold currently set at 75 percent of students who receive FRPL is too high and will result in the same under-identification of schools.

According to the Department, under Title I, elementary schools received 76 percent of the school allocations, considerably more than their 57 percent share of the nation's low-income students, while high schools received 10 percent of Title I funds and enrolled 22 percent of all low-income students.⁴

⁴ W. Riddle, *Title I and High Schools: Addressing the Needs of Disadvantaged Students at all Grade Levels* (Washington, DC: Alliance for Excellent Education, 2011).

One factor contributing to this disproportionality is the reliance on the use of free and reduced-price lunch eligibility to determine whether a student is from a low-income family. The reported percentage of pupils from low-income families is on average especially low for high schools as compared to elementary schools. There are at least three reasons for this: (1) high schools tend to serve larger, less homogeneous populations than elementary schools; (2) many high school students drop out of school before graduating, and these include a disproportionate share of students from low-income families; and (3) older students are less likely than those in earlier grades to participate in the free and reduced-price school lunch programs, even when they are eligible to do so.⁵ For example, for the 2008–09 school year, an average of 49 percent of students in public elementary schools received free or reduced-price school lunches compared to 36 percent of students attending high schools.⁶

One means by which to address these issues is the use of a “feeder pattern data” to project rates of students from low-income families for high schools based on the rates for the lower-level schools that feed students to them. Given the lower rate of participation by high school students in the free and reduced-price lunch programs, as well as the disproportionately large dropout rates for students from low-income families, such feeder pattern projections might better reflect the demographic composition of high schools than direct measures. Under current ESEA policy, an option exists to address the lower rates of students from low-income families—as directly measured—in high and middle schools. LEAs may use feeder pattern data to project rates of students from low-income families for middle or high schools based on the rates for the lower-level schools that feed students to them.

Unfortunately, this measure of poverty is rarely used, thereby decreasing the number of high schools identified. A June 2011 report indicates that the failure to accurately measure poverty at the high school level results in almost 1,300 high schools having a percentage of students from low-income families at or above 50 percent not being eligible for Title I-A.⁷

6. The data collection should cover online schools and other alternative public schools.

We thank the Department for clarifying that charter schools will indeed be included in the data collection. We would appreciate additional clarification on online schools and

⁵ Ibid.

⁶ Ibid.

⁷ Ibid.

other alternative schools. Data on the extent to which low-income students, students with disabilities, English learners, and rural students who attend online and other alternative schools are taught by teachers-in-training enrolled in alternative route programs should be made available in the Secretary's report. This is particularly important, as online schools are a growing segment of the nation's public schools (they experienced 450 percent growth, from about 50,000 students to 275,000, from 2006 to 2012).⁸

7. The Department waited far too long to begin the process of collecting this data.

It is regrettable that it took the Department nearly a year to submit this proposed data collection to the Federal Register. Based on the timeline offered in "Supporting Statement, Part A," if the Department had acted more quickly it would have been possible for the Department to collect the data and submit the report by December 31, 2013 deadline mandated by Congress in Section 145. Due to the Department's delay, the deadline will not be met. Policymakers and education stakeholders will be left waiting nearly an entire extra year for this important data.

IV. THE BENEFITS OF THIS DATA COLLECTION FAR OUTWEIGH ITS COSTS.

The Coalition for Teaching Quality believes the benefits of the proposed data collection as described in Part II, above, far outweigh its costs, which the Department estimates at \$5.75 million, or approximately 10 cents per student. Obtaining, for the first time, accurate national data on the extent to which special education students, English learners, low-income students, and rural students are being taught by inappropriately identified teachers-in-training as 'highly qualified.' It is essential information for Congress to consider as it moves forward with the long-overdue reauthorization of the Elementary and Secondary Education Act. It also seems entirely appropriate to study the distribution of teachers-in-training enrolled in alternative route programs given the Department's recent significant investments in some of these programs.

Finally, although Supporting Statement A (p.3) states that "these data are not currently collected from the universe of state and local educational agencies," we believe many states and LEAs are already collecting at least some of this data in a format suitable for reporting. See, e.g., California's ESEA Teacher Requirements Certificate of Compliance.⁹ And indeed, LEAs that receive Title I funds are required to have this data available to

⁸ <http://www.connectionsacademy.com/resources/infographics/k-12-online-school-growth.aspx>

⁹ <http://www.cde.ca.gov/nclb/sr/tq/documents/certofcompliance.pdf>

any parent who requests it, pursuant to Section 1111(h)(6)(A) of NCLB, the Parent-Right-to-Know provision referenced directly in Section 145. Ninety-five percent of LEAs in the country receive Title I funds and therefore should have this data readily available.¹⁰ Additionally, this data is essential to the equitable distribution provision of NCLB to “ensure that poor and minority children are not taught at higher rates than other children by inexperienced, unqualified, or out-of-field teachers” 20 U.S.C. §6311(b)(8)(C). Teachers who are labeled “highly qualified” but are still in their alternative certification program are indeed inexperienced, unqualified, and often out-of-field. Thus, we believe Supporting Statement A may in fact overestimate the burden on states and LEAs.

We thank you for the opportunity to comment on this proposed data collection. We urge the Department to begin this data collection promptly and to ensure that the report accurately fulfills Congress’s mandate. We look forward to working with you to ensure that America’s students have a well-prepared and effective teacher in every classroom.

Sincerely,

The Coalition for Teaching Quality (members listed on next page)

¹⁰ <http://www2.ed.gov/notclamped/about/overview/budget/titlei/fy11/index.html>,
http://www.americanprogress.org/issues/2011/03/pdf/title_1.pdf

Coalition for Teaching Quality Organizations)

National Organizations

Alliance for Multilingual Multicultural Education	Hispanic Association of Colleges and Universities
American Association of Colleges for Teacher Education	Latino Elected and Appointed Officials
American Association of People with Disabilities	National Taskforce on Education
American Association of State Colleges and Universities	Lawyers' Committee for Civil Rights Under Law
American Council for School Social Work	Leadership for the Common Good
American Council on Rural Special Education	League of United Latin American Citizens
American Federation of Teachers	Learning Disabilities Association of America
Association of University Centers on Disabilities	Movement Strategy Center
ASPIRA Association	NAACP Legal Defense and Educational Fund, Inc.
Autistic Self Advocacy Network	National Alliance of Black School Educators
Autism National Committee	National Association of Councils on Developmental Disabilities
Center for Teaching Quality	National Association of Elementary School Principals
Citizens for Effective Schools	National Association of School Psychologists
Coalition for Community Schools	National Association of Secondary School Principals
Communities for Excellent Public Schools	National Board for Professional Teaching Standards
Council for Exceptional Children	National Center for Learning Disabilities
Council of Parent Attorneys and Advocates	National Consortium on Deaf-Blindness
Disability Policy Collaboration, A Partnership of The Arc and UCP	National Council for Educating Black Children
Disability Rights Education and Defense Fund Inc	National Council of Teachers of English
Easter Seals	National Council of Teachers of Mathematics
Education Law Center	National Disability Rights Network
FairTest, The National Center for Fair & Open Testing	National Down Syndrome Congress
First Focus Campaign for Children	National Down Syndrome Society
Gamaliel Foundation	National Education Association
Helen Keller National Center	National Latino Education Research & Policy Project
Higher Education Consortium for Special Education	National Opportunity to Learn Campaign
	National PTA

Opportunity Action
Parents Across America
Partnership for 21st Century Skills
Progressive States Action
Public Advocates Inc.
Public Advocacy for Kids
Rural School and Community Trust
School Social Work Association of America
SEDL
South East Asia Resource Action Center
TASH - Equity, Opportunity, and Inclusion
for People with Disabilities
Teacher Education Division of the Council
for Exceptional Children
TESOL International Association
United Church of Christ Justice & Witness
Ministries

State and Local Organizations

Abbott Leadership Institute – Newark, New Jersey
Action Now – Illinois
Action Now– North Carolina
ACTION United
Alliance for Quality Education (AQE)
Alliance of Californians for Community Empowerment (ACCE)
Arkansas Community Organizations
Bay Area Parent Leadership Action Network
Brighton Park Neighborhood Council – Chicago
California Association for Bilingual Education
Californians for Justice
Californians Together
California Latino School Boards Association
Campaign for Quality Education
Center for the Future of Teaching and Learning Coalition for Educational Justice
Citizen Action of New York
Delawareans for Social and Economic Justice
Educate Our State
Education Voters Pennsylvania
Grow Your Own Illinois
Inner City Struggle
Justice Matters
Legal Advocates for Children and Youth
Montgomery County Education Forum
Parent-U-Turn
Parents for Unity
RYSE Center
Texas Association of Chicanos in Higher Education
Young Voices-Providence, Rhode Island
Youth On Board – Somerville, Massachusetts
Youth Together