November 18, 2013

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 September 12, 2013 (Docket ID number ED-2013-ICCD-0121).

I.  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) to label teachers-in-training enrolled in alternative route programs as “highly qualified,” which thereby permits 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 learner, low-income, and rural students) are taught by these teachers-in-training. Most recently, the October 2013 CR extended the HQT provision for another 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 standard be for all teachers, regardless of where or who they are teaching.

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

NCLB, for the first time, carried 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 Civil Rights Data Collection that widespread inequitable access remains. For example, minority students are twice as likely to be taught by novice teachers.2 Given data available in some large states, such as California, 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 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 about the data collection provision highlight Congress’ 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

III. 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. 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 data collection activities, as is stated in the Department’s proposed strategic plan, and as Secretary Duncan has stated. We hope that the Department will continue its dedication to valid and reliable data throughout this 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.

The report that the Secretary will submit to Congress will contribute significant information to the national education debate. It will be used by policymakers 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 the information from this report to ensure that all children have access to fully prepared and effective teachers.

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

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

1. The data provided in the Secretary’s report must be 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.

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.

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.

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.**

The proposed HQT data collection, which proposes to collect 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.”

Section 145 directs the Department to prepare its report using data that every LEA is already required to maintain pursuant to the Parent-Right-to-Know Provision of NCLB, Section 1111(h)(6)(A). Under this provision, LEAs are required to make available to any parent who requests it information about the qualifications of their child’s teachers, including his/her certification status. Although there may have been 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.**

Even accepting for present purposes the Department’s flawed methodology of using the teacher as the unit of analysis, a second major concern with the Department’s approach is the use of district-level rural and low-income data, rather than school-level data. The Department proposes to collect data on special education teachers and Title III teachers only. For the other two subgroups of students targeted by the statute—rural and low-income students—it proposes only “to approximate the percent of each district” using existing EDFacts 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 in which just 10% of the students are 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 Title I schools 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:

- # of highly qualified teachers teaching in Title I schools
- # of highly qualified teachers teaching in Title I schools who are currently enrolled in an alternative route to certification program
- # of highly qualified teachers teaching in rural schools
- # of highly qualified teachers teaching in rural schools who are currently enrolled in an alternative route to certification program.

5. **The data collection should cover charter schools.**
The proposed data collection makes no mention of charter schools. We reiterate that Section 145 requires the Department to collect and report data “by State and each local educational agency.” As charter schools are either part of an LEA or their own LEA, they are covered by the statute. Data on the extent to which low-income students, students with disabilities, English learners, and rural students who attend charter 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 charters are a growing segment of the nation’s public schools (5% in 2010-2011), and recent news reports have indicated that alternative route teachers-in-training are disproportionately assigned to these schools.5

6. 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.

V. 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 so-called “highly qualified” teachers-in-training 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.

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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. And indeed, LEAs are required to have this data available to 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. Thus, we believe Supporting Statement A may in fact overestimate the burden on states and LEAs.

VI. TECHNICAL CHANGES

The Coalition for Teaching Quality has one technical comment, regarding the proposed definition of an alternative route to certification program. Attachment B, p. 4, explains “What is an alternative route to certification program?” provides three criteria to define it, and states that all three criteria must be met. We believe that this definition will cause unnecessary confusion in the field. Since the regulation 34 C.F.R. 200.56(a)(2)(ii) was promulgated in 2002—and temporarily written into statute in 2010—states and LEAs have operated under a common definition of an alternative route to certification program. The Department’s “Highly Qualified Teacher” guidance during this period has likewise been consistent with the regulation’s definition. Thus, we urge that Attachment B (p.4) be revised to include only criteria (3), which mirrors the regulation itself; criteria (1) and (2) on page 4 of Attachment B should be deleted.

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)

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Coalition for Teaching Quality (94 Organizations)

National Organizations

Alliance for Multilingual Multicultural Education
American Council on Education
American Association of Colleges for Teacher Education
American Association of People with Disabilities
American Association of State Colleges and Universities
American Council for School Social Work
American Council on Rural Special Education
American Federation of Teachers
Association of University Centers on Disabilities
ASPIRA Association
Autistic Self Advocacy Network
Autism National Committee
Center for Teaching Quality
Citizens for Effective Schools
Coalition for Community Schools
Communities for Excellent Public Schools
Council for Exceptional Children
Council of Parent Attorneys and Advocates
Disability Policy Collaboration, A Partnership of The Arc and UCP
Disability Rights Education and Defense Fund Inc
Easter Seals
Education Law Center
FairTest, The National Center for Fair & Open Testing

First Focus Campaign for Children
Gamaliel Foundation
Helen Keller National Center
Higher Education Consortium for Special Education
Hispanic Association of Colleges and Universities
Latino Elected and Appointed Officials
National Taskforce on Education
Lawyers’ Committee for Civil Rights Under Law
Leadership for the Common Good
League of United Latin American Citizens
Learning Disabilities Association of America
Movement Strategy Center
NAACP Legal Defense and Educational Fund, Inc.
National Alliance of Black School Educators
National Association of Councils on Developmental Disabilities
National Association of Elementary School Principals
National Association of School Psychologists
National Association of Secondary School Principals
National Center for Learning Disabilities
National Consortium on Deaf-Blindness
National Council for Educating Black Children
National Council of Teachers of English
National Council of Teachers of Mathematics
National Disability Rights Network
National Down Syndrome Congress
National Down Syndrome Society
National Education Association
National Indian Education Association
National Latino Education Research & Policy Project
National Opportunity to Learn Campaign
National PTA
Opportunity Action
Parents Across America
Partnership for 21st Century Skills
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 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
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
San Francisco Teacher Residency
Texas Association of Chicanos in Higher Education
Young Voices-Providence, Rhode Island
Youth On Board – Somerville, Massachusetts
Youth Together