OFFICE OF PUBLIC INSTRUCTION
STATE OF MONTANA

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August 21, 2009

Office of Elementary and Secondary Education
Attention: State Fiscal Stabilization Fund Comments
U.S. Department of Education
400 Maryland Avenue, SW
Room 3E108
Washington, DC 20202-6200

RE: Docket ID ED-2009-OESE-0007

To Whom It May Concern:

Thank you for the opportunity to provide comments on the proposed requirements, definition and approved criteria for the State Fiscal Stabilization Funds program. As I indicated in comments I submitted previously to the U.S. Secretary of Education (Secretary), I support the four key priorities of education reform promoted in the American Recovery and Reinvestment Act (ARRA). These key areas include Achieving Equity in Teacher Distribution, Improving Collection and Use of Data, Standards and Assessment, and Supporting Struggling Schools. (The link to my letter dated July 28, 2009 is http://opi.mt.gov/PDF/Supt/Charter%20School%20Letter%20to%20Duncan.pdf)

After reviewing the proposed requirements for the State Fiscal Stabilization Fund monies (Phase 2), there are some requirements I find unacceptable and do not see the connection to advancing the reform areas identified by ARRA. There are also requirements which the Montana education system is not currently able to meet and will need additional resources, beyond the Phase 2 monies, to achieve.

First, the requirement to collect and post information on teacher and principal evaluations is untenable to the Montana education system. The evaluation of teachers and principals in a public school system is more complex than the posting of ratings on a web page. Montana has 423 operating school districts with only 142,078 students, 10,559 teachers, and 520 principals. Montana also has a strong constitutional tradition of local control, which extends to teacher and administrator hiring, termination, and evaluation. The state education agency does not attempt to collect school evaluation tools nor do we intend to spend valuable personnel time doing so as we are a small state education agency that works with very small rural/frontier schools. This type of collection is an undue burden at both the state and local level. I believe that an enormous

amount of time and energy will be invested in this effort with no direct connection to improving student achievement.

Second, Montana is currently unable to meet the requirements to estimate the impact of an individual teacher on student achievement; link information regarding the extent to which students transition successfully from secondary school to postsecondary education, including whether students enroll in remedial coursework; supply student-level transcript information, including information on courses completed and grades earned; access and integrate student level college readiness test scores; and analyze the appropriateness and effectiveness of testing accommodations for students with disabilities and for limited English proficient students. These proposed requirements are addressed in greater detail below.

Achieving Equity in Teacher Distribution

Teacher/Principal Evaluations

The SEA does not currently collect any information on the teacher or principal evaluation systems used by LEAs since evaluation of staff is a local school board activity. Furthermore, at the state level, we do not know whether the evaluation systems used to evaluate teacher performance include student achievement outcomes as evaluation criteria. Nor do we know if any school districts make their ratings available to the public.

The proposed requirements state that "In order to meet the proposed requirements to describe the teacher and principal performance evaluation systems used in LEAs in the State, a State would not be required itself to develop such descriptions; it would be sufficient for the State to maintain a Web site that contains electronic links to descriptions developed by its LEAs." It is not realistic to think that each of Montana's 423 school districts will develop its own Web site to display this information in a format that is comparable across the state. The Montana Office of Public Instruction (OPI) would need to design, develop and implement a collection and reporting tool to make this information publicly available. As stated above, the OPI does not attempt to collect school evaluation tools nor do we intend to spend valuable personnel time doing so as we are a small state education agency that works with very small rural/frontier schools.

Perhaps a more important point is there are likely as many different rating systems as there are school districts in Montana. In order to proceed down a path of making evaluation systems and ratings public, a standardized set of performance ratings would need to be developed. What would be the point of reporting this information to the public if it is not comparable across school systems? The collection of non-standard, non-comparable data is an enormous waste of resources and often results in mistrust and accusations of manipulation of data. I understand that some states do have a common evaluation system; however, I do not feel this is the correct approach for our state as I do not see the connection to advancing the reform efforts necessary in our state.

Finally, in Montana, we have 105 school districts (25%) that employ fewer than five full-time equivalent teachers. The proposed regulations state that "....we do not propose to require a State to indicate whether principal performance ratings or levels are available to the public by school in each LEA, as such information may be personally identifiable." This issue of personally identifiable data will be prominent in Montana for both teachers and principals.

Improving Collection and Use of Data

Longitudinal Data Systems

The proposed regulations require a State to indicate whether its data system contains each of the 12 elements in the America COMPETES Act. Montana has five of the 10 Data Quality Campaign Essential Elements. These include:

1- A unique statewide student identifier
2- Student level enrollment, demographic, and program participation information
3- Student level information about the points at which students exit, transfer in, transfer out, drop out, or complete P-16 education programs
6- Yearly assessment records of individual students
7- Information on students not tested, by grade and subject

The State is making progress on some of the additional elements and should have within the next two years:

4- Capacity to communicate with higher education data systems
5- An audit system assessing data quality, validity, and reliability
8- A teacher identifier system with the ability to match teachers to students
9- Student-level transcript information, including information on courses completed and grades earned
10- Student level college readiness test scores

We have not designed any collections to:

11- Link information regarding the extent to which students transition successfully from secondary school to postsecondary education, including whether students enroll in remedial coursework
12- Other information determined necessary to address alignment and adequate preparation for success in postsecondary education.

We also do not have information on the extent to which students graduate from high school in four years with a regular high school diploma and continue on to pursue a college education or technical training. We are building the capacity of our P-20 longitudinal data systems to be able to report on student transitions from K-12 to post-secondary. In 2009, Montana was awarded a $5.7 million grant for four years to build a data warehouse and improve our data governance/management structures, policies and practices. If we are able to secure additional grant resources, Montana should be able to meet the goals of the America COMPETES Act but not by September 30, 2011. We urge the U.S. Department of Education (Department) to recognize in its regulations and timelines that these system developments need to be sequenced in a manner that provides for adequate planning processes and implementation phases.

Estimating the Impact of an Individual Teacher on Student Achievement

While we believe it is important for teachers to be able to review and analyze the achievement results of their students, we first need to improve the turnaround time for reporting test results to school districts. Montana administers its criterion-referenced tests (CRT) in Reading, Math and Science in a paper and pencil format. The testing window is in March. The student test results

are distributed to schools in May, and the tools for item analysis and statewide comparisons are provided to schools by the testing contractor in early June. For most schools in Montana, the testing data is made available to schools just as schools are closing for the summer or just after.

Educators and policymakers recognize that this delay in making test results available to schools and teachers is a problem. Montana would like to pursue online testing for its 77,000 students who participate in the CRT each spring, but we do not have the financial resources to move in that direction. We urge the Department to make resources available to states and school districts to compress the time between the testing of students and the receipt of the test results BEFORE any requirement that teacher evaluation be linked to achievement data. As a state education agency, our time and effort should first be spent on these system improvements before we move toward reporting data on the impact of individual teachers on student achievement, if we choose to do so.

The lessons learned from standardizing the calculation of graduation rates seem to apply to the issue of measuring the impact of an individual teacher on student assessment. If every state is left to devise its own impact measure, the results will not be comparable across states. It is important that the Department develop a common procedure for measuring the impact of teacher performance now and not wait to come to the conclusion that one definition is needed for comparability purposes.

Standards and Assessment

Montana is able to report on all of the indicators related to assessment although we have concerns that Indicators (c)(5) and (c)(7) will be moved from status indicators to expectations. Montana has not completed, within the last two years, an analysis of the appropriateness and effectiveness of the accommodations it provides students with disabilities and students with limited English proficiency, and we will need to identify the resources to complete such an analysis.

As indicated in my comments under Improving Collection and Use of Data, Montana will need resources and time to meet Indicator (c)12.

Support for Struggling Schools

First, please read my July 28th letter previously sent to the Department regarding charter schools. (The link is http://opi.mt.gov/PDF/Supt/Charter%20School%20Letter%20to%20Duncan.pdf.)

Additionally, Montana cannot close schools in the areas where turnaround efforts are needed. The schools in most need of support are in very rural/frontier areas, and there is not an alternative system that can be established if a school were to close. As it currently stands, we cannot find supplemental education service providers to launch any services in those areas, much less find any companies to set up a new school.

It is also not feasible to terminate and replace current staff at those schools. These schools struggle with recruitment and high turnover already. Resources are sparse in rural /frontier communities. We need to focus on assisting the public school system and the local community in their efforts to build challenging academic programs and create learning supports for students.

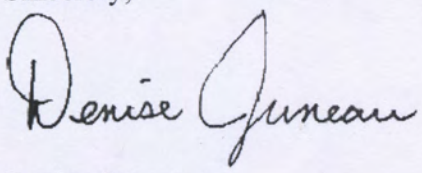
The OPI is engaged in internal teamwork about turning around our lowest performing schools. This plan will be context-based to our state and local communities. It will not include requiring charter schools, opening a new school, or creating new staffing schemes because these activities simply won't work in our rural/frontier state.

The OPI has very grave concerns about Phase 2. The first phase of the SFSF has already required many staff hours at both the state and local level gathering and reporting data. Our office and the local districts are doing this work because our state legislature appropriated the SFSF monies as if it were state general fund and schools need the money to operate over the next biennium. Phase 2 is asking for even more data collection, often for the sake of data collection. And much of this data request comes after the money has been obligated, which is patently unfair.

Making data-driven decisions to improve education is a top priority for our office. However, much of the data the Department is asking us to collect for Phase 2 is not likely to improve educational outcomes for students. In fact, it takes us further away from our top priority of developing the infrastructure and relationships necessary to improve our education system. We spend much of our time, after the first phase of SFSF, talking about how we will collect the data and then actually collecting data that does not help our work of improving student educational outcomes. We believe we need to connect communities to their education system in a meaningful manner. We need federal support to advance student learning, not hinder our efforts to move our education system forward.

Thank you again for the opportunity to comment on the proposed regulations for the State Fiscal Stabilization Program, Phase 2. I look forward to your response to the comments received from states and school systems.

Sincerely,



Denise Juneau
Superintendent of Public Instruction