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January 30, 2015

Secretary Arne Duncan  
U.S. Department of Education  
400 Maryland Ave, SW  
Washington, D. C. 20202

Dear Secretary Duncan,

I am the Vice President of New York State United Teachers (NYSUT) in charge of Program and Policy Development and Educational Services. I am responding to the U.S. Department of Education's proposed regulations for teacher preparation programs released in the Notice of proposed Rule Making (NPRM) on December 3, 2014.

NYSUT represents over 600,000 members including 1,700 college faculty in teacher preparation programs in more than 40 public and private institutions state wide. NYSUT is unwavering in its commitment to ensure that New York teacher preparation programs are high quality and prepare the very best teachers for our state's P-12 learners. All of our programs are state approved and required to secure national accreditation under NCATE, TEAC or CAEP. These accountability measures are fair and transparent, require extensive engagement from college faculty and administrators, and are designed to improve programs.

The proposed development for a new rating system runs counter to the mechanisms used in education for change. Meaningful changes in education occur when practitioners are proactively engaged in reflective, collaborative activities and in ongoing work to review, revise and advance program quality. Additional regulations with new reporting requirements will only siphon capacity from programs that are already overstretched by state, federal and accreditation reporting, taking vital energy away from teaching and scholarship. The proposed federal regulations ignore the contextual nuance and complexity of our educational institutions. Regulations and ratings will not drive continuous improvement in education, only practitioners will.

The following pages provide more detail about our concerns:

### **Federal overreach**

If passed, this proposal would greatly extend the federal role in higher education and will dramatically shift decision making that is currently done by states and institutions of higher education (IHEs). This represents a stark policy contradiction since Section 207(a) of the Higher Education Act states, "Levels of performance [for teacher preparation] shall be determined by the state." The repercussions of these proposed regulations would also extend into K-12 and would necessitate more testing (including currently non-tested subject areas) at a time when there is a large consensus about the need to reduce over testing in our nation's schools.

## **Unproven Methodology**

There is no research to support the use of the proposed data reporting as a method to improve program quality as it has never been examined empirically. Educator Preparation Programs (EPPs) already collect this type of information to provide feedback to their programs, but such data have shortcomings and are not appropriate indicators for high stakes decisions. The expressed purpose of the rating system is to help prospective students to choose programs, help employers with recruitment and hiring, and help teacher preparation programs to improve. In the process, the proposals you put forth are likely to do just the opposite. Much of the data collected will be flawed and misleading for all three of these groups.

This is because the indicators selected for the proposed rating system are very problematic. Student learning outcomes cannot be traced back from the K-12 classroom to schools of education. There is no basis for a link as there are too many contextual factors that are beyond the control of any college or institution that prepares teachers. Leading scholarship from the American Education Research Association (AERA), the American Statistical Association (ASA), and the National Council on Measurement in Education (NCME) have all affirmed that using value added measurement (VAM) is not a sound way to evaluate educators or educational programs.

Using student growth scores to determine EPP ratings would be an extension of another failed policy in K-12. The data gathered through the proposed mechanisms may help to spread misinformation and hurt prospective candidates and programs. Such data could unfairly prejudice the state program approval process and punish educator preparation programs and faculty unnecessarily.

Employment placement rates are also not valid or reliable indicators of program quality and are not always attainable due to cross state data deficiencies. There are many factors which influence whether or not teacher candidates decide to pursue jobs or are successful at securing employment in teaching. Again, such factors are beyond the control of the EPP. Graduate and employer surveys can help to inform IHEs about program outcomes but also should not be used for high stakes decisions.

Under the proposed regulations states will be required to develop a new weighting system for the four indicators. Since the approach to weighting will vary from state to state this system will not be a reliable one making comparisons drawn about IHEs and programs inaccurate. To further conflate these comparisons, the proposals allow states to use a different weighting system for the employment rates in alternative-route programs giving such programs an unfair advantage as many of their candidates are already employed during their training period. All programs should be held to the same standards of accountability.

There is no evidence to suggest that a new rating system will have positive impact on pedagogy and instruction in the college classroom. In addition, publicly displaying program ratings will only damage institutions, not help them to improve. Instead, necessary supports and resources should be offered to strengthen and advance program quality.

## **Unfunded mandate**

The Department's proposed reporting time and financial costs are considered to be gross underestimates of the actual time and costs that would be required to implement the new regulations. Such burdens to New York state education department's already depleted resources come at a bad time. The Department estimates that costs would total \$42.1 million over 10 years. According to American Association for Colleges of Teacher Education (AACTE) the economic impact will reach \$100

million. New York state has a lack of capacity and funds at its disposal and the requirement to build a new and complex data system will only take resources away from schools and the students they serve.

The proposed timeline suggests that states will design and build the data system in one year's time. This is an unrealistic estimate. More time and adequate resources would be needed to fund and sustain this mandate.

### **Equity Issues**

The use of test scores to calculate student growth measures for the rating system has another dangerous implication. Because test scores in high needs schools tend to be lower than others, (due to factors unrelated to teacher preparation) EPPs may be discouraged from placing students in these settings. Under the new proposals programs rated as "low performing" can lose state program approval and state funding.

In addition, programs rated as "at-risk" or "low performing" for two out of any three years will not be eligible to enroll students who receive funding under the HEA TEACH grant programs. This action would penalize students and is yet another detriment for college affordability and our high needs schools.

Incentivizing EPPs to place first year teachers in high needs schools could result in higher numbers of inexperienced teachers in settings with the most need. This indicates another policy contradiction as the ESEA requires states to work towards balancing the proportions of new and experienced teachers in high needs settings.

The costs associated with implementing these new regulations could result in higher costs for IHEs that may be passed to students through increased college tuition and fees. Such policies have the potential to intensify equity issues across the nation.

New regulations will have a profound impact on programs and the students they serve. Please give serious consideration to these comments. If enacted, these proposals would only repeat the kinds of significant errors already made in our K-12 systems. There is a lot to be learned from those failed policies which have already had a devastating effect on the teaching profession. Be sure that new policies are based upon sound measures that have been evaluated by experts in the field.

Sincerely,

A handwritten signature in black ink that reads "Catalina R. Fortino". The script is cursive and fluid, with the first letters of each word being capitalized and prominent.

Catalina R. Fortino  
Vice President