

State Legislation

Emerging Trends Reflected in the State Phase 1

RACE TO THE TOP Applications

May 2010

An EMERGING TRENDS REPORT From Learning Point Associates

State Legislation

Emerging Trends Reflected in the State Phase 1
RACE TO THE TOP Applications

May 2010



1120 East Diehl Road, Suite 200
Naperville, IL 60563-1486
800.356.2735 | 630.649.6500
www.learningpt.org

About This Series

This report is one in a series of reports exploring specific education issues reflected in the state Phase 1 Race to the Top applications that were submitted to the U.S. Department of Education in January 2010. Learning Point Associates has analyzed the 41 applications and is reporting on emerging trends that are occurring in the states.

Other reports in this series focus on the following topics:

- Teacher evaluation
- Expanded learning opportunities
- Measurement of student growth
- Charter schools
- School improvement

Acknowledgments

In April 2010, Learning Point Associates conducted a data analysis of the 41 state Phase 1 Race to the Top applications relating specifically to teacher-related legislation. Staff from the National Comprehensive Center for Teacher Quality—a federally funded technical assistance center administered by Learning Point Associates—were instrumental in analyzing these applications. Special thanks go to Amy Potemski, Trish Brennan-Gac, and Liz Kershaw for their contributions to this report.

Contents

	Page
Overview	1
Race to the Top Competition	1
Review of Phase 1 Applications	1
Emerging Trends: State Legislation Related to Teacher Effectiveness and Equitable Distribution	2
States Making Legislative Changes	4
Traditional Teacher Certification	4
Alternative Teacher Certification	4
Mentoring and Induction for New Teachers	5
Professional Development for Experienced Teachers	5
Teacher Evaluation	6
Teacher Compensation	7
Equitable Distribution of Teachers	7
Teacher Tenure	7
Conclusion	8
References	9

OVERVIEW

Race to the Top Competition

Through the American Recovery and Reinvestment Act (ARRA) of 2009, a significant amount of funding has been targeted to improve state and local education systems. The Race to the Top Fund in particular is providing \$4.35 billion in competitive grants for states.

According to the U.S. Department of Education (2009), the Race to the Top Fund is:

A competitive grant program designed to encourage and reward states that are creating the conditions for education innovation and reform; achieving significant improvement in student outcomes, including making substantial gains in student achievement, closing achievement gaps, improving high school graduation rates, and ensuring student preparation for success in college and careers; and implementing ambitious plans in four core education reform areas:

- Adopting standards and assessments that prepare students to succeed in college and the workplace and to compete in the global economy;
- Building data systems that measure student growth and success, and inform teachers and principals about how they can improve instruction;
- Recruiting, developing, rewarding, and retaining effective teachers and principals, especially where they are needed most; and
- Turning around our lowest-achieving schools. (p. 2)

The U.S. Department of Education designated two phases for the Race to the Top grant competition. Phase 1 applications were due January 19, 2010. For Phase 1, the Education Department received a total of 41 applications—from 40 states and the District of Columbia. In March 2010, the Education Department selected 16 applications as finalists and then awarded grants to two states: Delaware and Tennessee. During the next four years, Delaware will receive \$100 million and Tennessee will receive \$500 million to implement their comprehensive school reform plans.

Phase 2 applications are due June 1, 2010, and the U.S. Department of Education will announce awards in September 2010; \$3.4 billion is available for Phase 2 (U.S. Department of Education, 2010).

Review of Phase 1 Applications

Learning Point Associates has paid close attention to the recent legislative changes coming from the states. Staff recently conducted a review of the 41 Race to the Top applications, focusing specifically on all mentioned legislation that was passed in 2007 or later. The goal of this report is to provide a snapshot of recent state legislative activity relating to teacher quality and the shift to teacher effectiveness, as well as equitable teacher distribution, as specified in ARRA. There are limitations to the findings in the report, due to the nature of the research. The data included in this analysis come solely from any language found in the state applications; no additional research was conducted.

EMERGING TRENDS: STATE LEGISLATION RELATED TO TEACHER EFFECTIVENESS AND EQUITABLE DISTRIBUTION

The requirements of the Race to the Top grant competition in many cases required new thinking on behalf of the states. Of the 41 applications submitted, many states referred to previously passed legislation that also related to the four ARRA reform goals or assurances: enhancing the quality of standards and assessments, improving the collection and use of data, increasing teacher effectiveness and equitable distribution, and supporting struggling schools. Some of the legislation cited in the Race to the Top applications dated back to the early 1990s. For the purposes of this report, however, the focus is on “recently passed” legislation mentioned in the Race to the Top applications. Therefore, we have limited our review to legislation dating back no further than 2007.

Figure 1 shows the influence of the Race to the Top grant competition in spurring state legislation. A total of 29 states (71 percent) indicated that they recently (from 2007 to 2010) passed or intend to pass legislation on various teacher-related topics.

Figure 2 indicates the number of states making legislative changes during each of those years. Several states either passed legislation pertaining to multiple topics researched or passed legislation in more than just one year. In some cases, states made an explicit link between Race to the Top requirements and laws passed in late 2009 and early 2010. Other states mentioned recently passed legislation but did not explicitly tie that legislation to the Race to the Top requirements. And, in some cases, states mentioned legislation dating back to 2007 as a means of emphasizing that they are in early implementation phases. In addition, a small subsection of states indicated that their state legislature plans to address the issue during the next legislative session.

Figure 1. States Passing Legislation to Meet Race to the Top Requirements

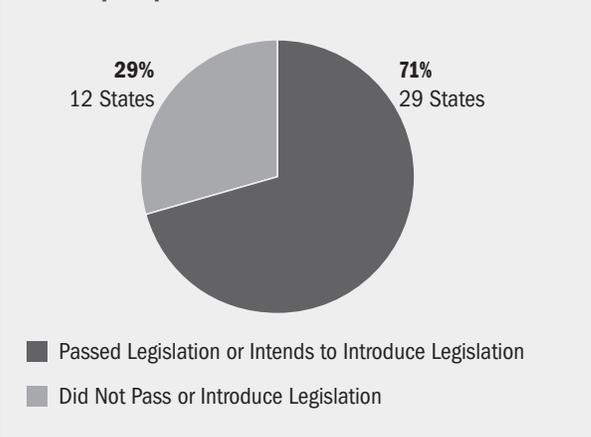


Figure 2. States Making Legislative Changes by Year

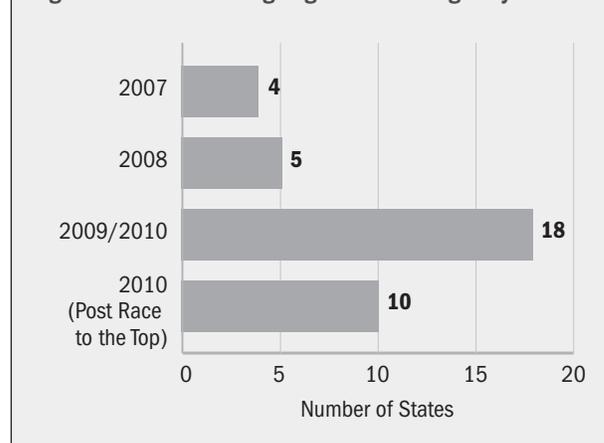
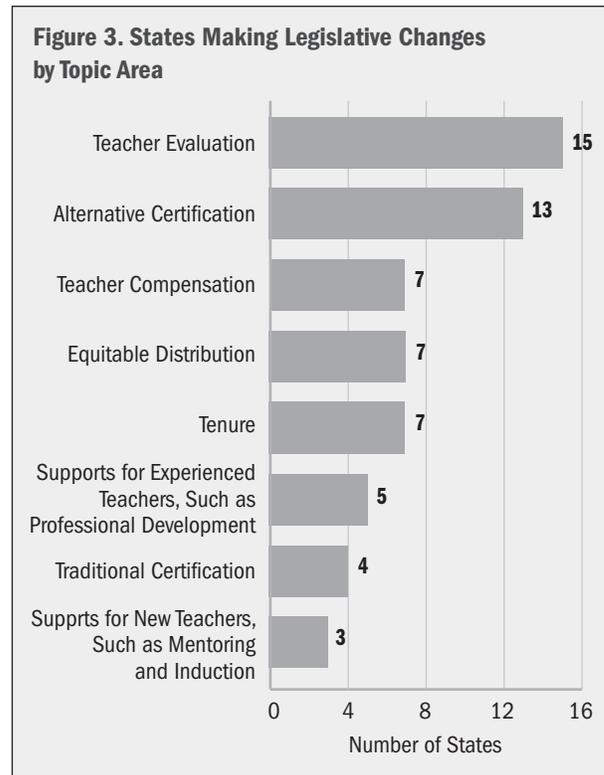


Figure 3 indicates the number of states making legislative changes by the following topic areas: traditional certification, alternative certification, mentoring and induction, professional development, evaluation, compensation, equitable distribution, and tenure. As Figure 3 indicates, more than half of the states that passed or intend to pass legislation indicated an interest in teacher evaluation; almost half expressed interest in alternative certification. Teacher compensation, equitable distribution, and tenure were represented equally with approximately 24 percent of the states interested in legislation on those areas. For the remaining topics—professional development, traditional certification, and mentoring/induction—fewer than 20 percent of the states expressed interest in those topics through legislation.



STATES MAKING LEGISLATIVE CHANGES

Through the analysis of the 41 state Race to the Top applications, Learning Point Associates has identified some legislative trends and new state regulations that relate to teacher effectiveness and equitable distribution. This report organizes these trends by the following topic areas: traditional certification, alternative certification, mentoring and induction, professional development, evaluation, compensation, equitable distribution, and tenure. The order of these topics corresponds with the components of the educator career continuum (Behrstock, Meyer, Wraight, & Bhatt, 2009).

Traditional Teacher Certification

For the most part, states did not focus their legislative efforts on traditional teacher certification policy. Only two states—Minnesota and Ohio—referenced recently passed legislation. Minnesota reformed its relicensure policies. Ohio focused on the creation of a tiered licensure system.

One additional state, Colorado, indicated that the 2010 legislative session would introduce changes to the use of evaluation data for teachers. Such changes would enable the state to make decisions related to teacher licensure.

Alternative Teacher Certification

State legislatures concentrated more on alternative teacher certification than on traditional teacher certification. In total, 12 states—Arizona, California, Colorado, Connecticut, Delaware, Illinois, Michigan, New Jersey, North Carolina, Ohio, Oklahoma, and Rhode Island—passed legislation that touched on alternate routes to certification. Of those states:

- Six states—Colorado, Illinois, Michigan, New Jersey, Ohio, Oklahoma—expanded their list of eligible providers.
- Two states—Connecticut and Delaware—focused attention on residency programs.
- Five states—Arizona, California, New Jersey, North Carolina, and Oklahoma—addressed strategies to remove barriers for career changers.
- One state—Rhode Island—addressed general program requirements for eligible providers.

Expanding Eligible Providers

State legislation that expanded the providers of alternative routes to certification—in Delaware, Illinois, Michigan, Ohio, and Oklahoma—generally focused on allowing the national programs, such as Teach For America (Delaware, Illinois, and Michigan) and the American Board for Certification of Teacher Excellence (ABCTE), or both (Ohio and Oklahoma) to function in the state. In addition, legislation in New Jersey created new programs, such as the Traders for Teachers program. Legislation in Colorado expanded opportunities for all school systems, including charter schools, to create grow-your-own programs.

Creating Residency Programs

New legislation in Connecticut and Delaware focused on the use of residency programs for alternative routes to certification. Both states passed legislation that allows the creation of residency programs but does not mandate them.

Removing Barriers

The states that introduced legislation on removing barriers to alternative certification programs concentrated mainly on programs geared toward career changers and programs aimed to fill specific content-area gaps. For example, Oklahoma focused on career changers interested in certification through ABCTE. In North Carolina, language in the legislation broadly mentioned entry into teaching for individuals from the private sector. In Arizona, legislation focused on creating alternate pathways for foreign language teachers. Both the California and New Jersey legislation focused on meeting the demand for science, technology, engineering, and mathematics (STEM) teachers.

Establishing Requirements for Eligibility

Rhode Island passed legislation requiring alternative certification programs to increase the rigor of their admissions criteria.

Mentoring and Induction for New Teachers

Mentoring and induction policy also was not a significant focus in state legislation reported in the Race to the Top applications. Only two states—Connecticut and Ohio—provided information about recently passed mentoring and induction regulations. In both cases, the states provided a detailed description of the legislation in their application narrative. Connecticut legislation focused on the Teacher Education And Mentoring (TEAM) program for beginning teachers during their first two years in the classroom. TEAM requires each beginning teacher to complete five professional growth modules that follow the Common Core of Teaching domains: classroom environment, planning, instruction, assessment, and professional responsibility. Before receiving a provisional teaching certificate, each beginning teacher also must complete a reflection paper for each domain.

Ohio legislation described a teacher residency program that would be available to all teachers to connect their final preservice years with their early years in the classroom; this legislation is part of a larger reform of the state's approach to licensure. (In contrast, the model introduced in Delaware applies only to alternatively certified teachers.) The Ohio teacher residency program is part of a four-tiered licensure system introduced in 2009.

Professional Development for Experienced Teachers

Five states—Idaho, Iowa, Kentucky, Minnesota, and Tennessee—recently addressed professional development policies in their state legislatures, but there were no major commonalities among the new state laws. For several years, Idaho has made money available to districts to provide professional development to teachers of at-risk students, particularly limited-English-proficient

students. On the other hand, Iowa’s application briefly mentioned that the state legislature developed a statewide professional development model. Although somewhat similar in terms of the development of a statewide model, the Kentucky application provided details about the legislation creating a specific professional development model: professional learning communities. Minnesota legislation prescribes the use of job-embedded professional development in the relicensure process. Tennessee legislation details how professional development decisions will be affected by teacher evaluation results.

Teacher Evaluation

Second in number to states with alternative certification legislation, teacher evaluation legislation often was included in the Race to the Top applications. In total, 11 states—Colorado, Illinois, Kentucky, Michigan, New Mexico, Minnesota, Missouri, Louisiana, Tennessee, Utah, and Wyoming—passed legislation related to teacher evaluation. There were two main trends in the evaluation legislation:

- Legislation that prescribes measures to evaluate teachers (9 states)
- Legislation that details the use of evaluation data (4 states)

Measuring Teacher Evaluation

Nine states—Illinois, Kentucky, Michigan, New Mexico, Minnesota, Louisiana, Tennessee, Utah, and Wyoming—passed, or plan to pass, legislation that details the measures of teacher effectiveness that districts should include in their teacher evaluation systems. Some common threads in the legislation include the use of student achievement data through student growth models, value-added models, or student learning gains. Two states, Utah and Wyoming, referenced legislation that would allow the use of student achievement data to assess teacher performance.

Another common theme in the state legislation is the reworking of teaching standards and teacher observation rubrics as specific steps in reforming teacher evaluation.

Using Evaluation Data

Legislation in four states focused on the use of evaluation data in two areas: those affecting certification, and those affecting compensation and tenure.

Evaluation Policies Affecting Tiered Certification or Recertification. Two states, Colorado and Minnesota, referenced state legislation that makes teacher evaluation results a component of the relicensure status in a tiered licensure system.

Evaluation Policies Affecting Compensation and Tenure. Another two states, Missouri and Utah, pointed to state legislation that allows the use of teacher evaluation data to make human capital decisions such as compensation and tenure.

Teacher Compensation

Five states—Iowa, Missouri, Tennessee, Wisconsin, and Utah—recently passed legislation affecting compensation for teachers. Three of these states mentioned performance-based pay pilot programs; Iowa and Utah currently are conducting pilots, and Missouri legislation provides an option to participate in a pilot. Tennessee legislation prescribes teacher evaluation data to inform compensation decisions. Wisconsin legislation provides financial incentives for master teachers.

Two additional states—Georgia and Wyoming—indicated plans to pass legislation related to teacher compensation. Georgia proposes a comprehensive performance-based compensation program. Wyoming plans to provide financial incentives for teachers with multiple endorsements to respond to teacher shortages in rural areas.

Equitable Distribution of Teachers

Two states—Louisiana and Florida—described legislation that responds to the inequitable distribution of teachers in their states. In Louisiana, legislation supports incentives for teachers who agree to work in high-poverty or high-minority schools or in hard-to-staff subject areas. In Florida, legislation requires the state to ensure that districts do not hire unqualified and inexperienced teachers disproportionately.

In addition, three states—Connecticut, Hawaii, and Idaho—passed legislation to remove barriers to recruiting teachers in shortage areas. Connecticut focused specifically on alternative routes to certification and proposed a new STEM initiative that would create a STEM teacher regional exchange program. Hawaii prescribed an Innovation Initiative, also related to STEM education, which creates partnerships and programs to improve STEM instruction in the schools. Also, in the area of equitable distribution, Idaho passed legislation supporting incentives to recruit teachers in high-poverty, high-minority schools and hard-to-staff subjects. For example, Idaho focused on a specific subject area, mathematics, with the Idaho Math Initiative, a collaboration with education stakeholders and industry experts to evaluate student achievement in mathematics and develop a statewide plan to improve student and teacher performance.

Teacher Tenure

Five states—Arizona, Illinois, Massachusetts, Missouri, and Tennessee—passed legislation related to teacher tenure. The laws place states into two categories: states that limit the role of teacher tenure and states that detail the use of tenure in decisions related to teachers. The majority of states fall into the first category. In Arizona, the state legislature actually prescribed a limited use of teacher tenure in retention decisions; more specifically, Arizona districts are restricted from adopting policies that make employment decisions based on either teacher tenure or seniority. Illinois and Massachusetts also passed legislation that limits the use of teacher tenure; in those states, the law weakens barriers to dismissing teachers who already have tenure. Finally, Missouri legislation allows teachers to opt out of the tenure process in order to participate in a performance-based compensation program. On the other hand, Tennessee legislation prescribes the use of evaluation data in decisions to award tenure.

CONCLUSION

Teacher quality has been at the forefront of education reform efforts, and states have been addressing these issues for many years. The Race to the Top competitive grant has provided an incentive for states to make significant reforms if they had not already done so. In order to meet the requirements outlined by the Race to the Top initiative, many states started to rethink their current regulations. This situation resulted in a significant number of changes in state legislation and policy.

The goal of this report was to provide a snapshot of recent state legislative activity relating to teacher quality and the shift to teacher effectiveness, as well as equitable teacher distribution. Many states had enacted legislation several years ago and, in fact, referenced that legislation in their Race to the Top applications. However, one reason the research for this report was limited to recently passed legislation was to help identify states that were in early implementation phases. Armed with this information, Learning Point Associates can determine where appropriate assistance or resources could be provided.

The new legislative changes can signify important shifts in national priorities. For example, a common thread seen throughout multiple sections of this report is a new focus on teacher issues related primarily to STEM instruction. Another thread in this report is an increased focus on the use of evaluation data to make decisions related to teachers, such as certification and licensure, professional development, compensation, and tenure.

This report has captured information about these legislative changes and other recent shifts in state policy as they relate to recruiting, supporting, and defining effective teachers as well as distributing them to the schools that need them the most. Because a number of states are indicating plans to continue to reform state regulations through further legislative shifts, this area of focus will continue to yield valuable information relating to emerging trends in teacher effectiveness legislation at the state level.

REFERENCES

American Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5, 123 Stat. 115 (2009).

Retrieved May 3, 2010, from [http://frwebgate.access.gpo.gov/cgi-bin/getdoc.](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=111_cong_bills&docid=f:h1enr.txt.pdf)

[cgi?dbname=111_cong_bills&docid=f:h1enr.txt.pdf](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=111_cong_bills&docid=f:h1enr.txt.pdf)

Behrstock, E., Meyer, C., Wraight, S., & Bhatt, M. (2009). *Managing educator talent: A research-based framework for district and state policymakers* (Version 2.1). Naperville, IL: Learning Point Associates.

U.S. Department of Education. (2009). *Race to the Top program: Executive summary*. Washington, DC: Author. Retrieved May 3, 2010, from <http://www2.ed.gov/programs/racetothetop/executive-summary.pdf>

U.S. Department of Education. (2010). *Delaware and Tennessee win first Race to the Top grants* [Press release]. Retrieved May 3, 2010, from <http://www2.ed.gov/news/pressreleases/2010/03/03292010.html>

About Learning Point Associates

Learning Point Associates is a nonprofit education consulting organization with 25 years of direct experience working with and for educators and policymakers across the country to transform education systems and student learning. Our vision is an education system that works for all learners, and our mission is to deliver the knowledge, strategies, and results so educators will make research-based decisions that produce sustained improvements throughout the education system.

Learning Point Associates manages a diversified portfolio of work ranging from direct consulting assignments to major federal contracts and grants. Since 1984, Learning Point Associates has operated the regional educational laboratory serving the Midwest—initially known as the North Central Regional Educational Laboratory® (NCREL®) and now known as REL Midwest. Learning Point Associates also operates the National Comprehensive Center for Teacher Quality, National Charter School Resource Center, Great Lakes East Comprehensive Center, and Great Lakes West Comprehensive Center.