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Obama Pushes States to Shift on Education

By [SAM DILLON](#)

Holding out billions of dollars as a potential windfall, the Obama administration is persuading state after state to rewrite education laws to open the door to more [charter schools](#) and expand the use of student test scores for judging teachers.

That aggressive use of economic stimulus money by Education Secretary [Arne Duncan](#) is provoking heated debates over the uses of standardized testing and the proper federal role in education, issues that flared frequently during President [George W. Bush](#)'s enforcement of his signature education law, called [No Child Left Behind](#).

A recent case is California, where legislative leaders are vowing to do anything necessary, including rewriting a law that prohibits the use of student scores in teacher evaluations, to ensure that the state is eligible for a chunk of the \$4.3 billion the federal [Education Department](#) will soon award to a dozen or so states. The law had strong backing from the state teachers union.

Illinois, Indiana, Louisiana, Tennessee and several other states have moved to bring their laws or policies into line with [President Obama](#)'s school improvement agenda.

The administration's stance has caught by surprise educators and officials who had hoped that Mr. Obama's calls during the campaign for an overhaul of the No Child law would mean a reduced federal role and less reliance on standardized testing. The law requires schools to bring all students to proficiency in reading and math by 2014 and penalizes those that do not meet annual goals.

The [proposed rules](#) make testing an even more powerful factor in schools by extending the use of scores to teacher evaluations. The proposed rules for the \$4.3 billion in grants, which the administration calls the Race to the Top, require states to show they are fostering innovation, improving achievement, raising standards, recruiting effective teachers, turning around failed schools and building data systems.

Just to be eligible to apply, a state must have no "barriers to linking data on student achievement or student growth to teachers and principals for the purpose of teacher and principal evaluation," the rules say.

While many educators and advocates support the administration, there has also been an outpouring of complaints, including in [comments on the rules](#) filed with the Education Department. (The department will issue final rules after the comment period ends Aug. 28.)

"The proposed regulations are overly burdensome," Robert P. Grimesey, superintendent of the Orange County Public Schools in Virginia, said in written comments. "They give the impression that stimulus funds provide the federal government with unbridled capacity to impose bureaucratic demands."

Much of the grumbling is from educators who say they supported Mr. Obama's candidacy.

"I am a public school teacher who vehemently wanted to vote for a president who would save us from No Child Left Behind," Diane Aoki of Kealahou, Hawaii, wrote to the department. But linking test scores to teacher evaluations, Ms. Aoki said, means "the potential is there for the test frenzy to get worse than it is under No Child Left Behind."

An Education Department spokesman, Peter Cunningham, said, "There's a healthy debate around this grand application, which is what we were hoping for."

"We're mindful of all the criticisms about federal overreaching, about too much testing, of all the complaints about No Child Left Behind," Mr. Cunningham said. "These complaints come up all the time in conversations about all our programs, not just this one, with education officials across the country. The context that No Child has generated is the context that we have to live with."

The New Teacher Project, a nonprofit group, published a [report](#) this month handicapping states' chances. Florida and Louisiana, it said, were "highly competitive," New Jersey and others were "competitive," and Connecticut was "somewhat competitive." California, New York and Wisconsin, the report said, were not eligible because of state laws limiting the use of achievement data in teacher evaluation.

Lawmakers and officials in California and Wisconsin are debating whether to make legislative changes.

In New York, officials are pushing back against suggestions that the state is ineligible. Merryl H. Tisch, chancellor of the Board of Regents, said Friday that because the law banned the use of student data in evaluating teachers only for tenure decisions, New York should be eligible.

Also, Dr. Tisch said, the state law is scheduled to expire in June 2010, and "there is no appetite to renew that law."

Not everyone is upset with the administration's tactics.

"We like the way the administration is using Race to the Top to send a message about its priorities," said Joe Williams, executive director of Democrats for Education Reform. "We like that it's gotten states to take a close look at their laws and practices."

[Diane Ravitch](#), an education historian at [New York University](#), disagreed. "The Department of Education should respect the requirements of federalism and look to states to offer their best ideas rather than mandating policies that the current administration likes," Dr. Ravitch said in comments filed with the department.

An early sign that the promise of education financing could induce state changes came after several blunt statements by Mr. Duncan this spring that states limiting the growth of charter schools would have trouble getting an award.

Lawmakers in Illinois, Louisiana, Tennessee and several other states responded by lifting caps on the numbers of charter schools or by expanding the pool of students eligible to attend them. Charter schools are publicly financed, but they are managed by groups separate from school districts and are largely free from

traditional school work rules.

In Indiana, lawmakers beat back an effort to impose a moratorium on new charters and, after Mr. Duncan warned that states prohibiting the use of test data in teacher evaluations would be ineligible for awards, revoked such a prohibition.

Union lobbying was crucial in passing such laws. The two national unions have not formally commented on the proposed rules. They have opposed using test scores in evaluations, saying misuse of ambiguous data could lead to unfair dismissals.

California got attention in June when Mr. Duncan noted in a [speech](#) that it was among states that had created “a firewall between students and teacher data.”

“In California, they have 300,000 teachers,” he said. The top 10 percent are the “best in the world,” he said, the bottom 10 percent, “should probably find another profession, yet no one in California can tell you which teacher is in which category.”

“Something is wrong with that picture,” he said.

In response, the state’s superintendent of public instruction, board of education president and education secretary jointly wrote to Mr. Duncan saying his concerns were “based on a misunderstanding.”

California’s law, they argued, bars state officials from using test results to evaluate teachers but does not block local districts from doing so. Only a few do.

State Senator Gloria Romero, a Democrat and chairwoman of the Senate Education Committee, said in an interview that because “disagreement continues” between the state and Obama officials, she was drafting legislation to clarify the law. Ms. Romero has scheduled a [hearing](#) on the issue for Aug. 26.

“We’ll do everything in our power,” she said, “to make sure that California is in compliance with the expectations of the Obama administration.”

Jennifer Medina contributed reporting.

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