

February 2, 2015

Docket ID ED-2014-OPE-0057

The Honorable Arne Duncan
Secretary
U.S. Department of Education
400 Maryland Ave, SW
Washington, DC 20202

Dear Secretary Duncan:

We are writing to you on behalf of the nation's 105 Historically Black Colleges and Universities and emerging Predominantly Black Institutions located in 35 states, the District of Columbia and Virgin Islands. We are writing in response to the Department of Education's request for comments regarding its proposed regulations for teacher preparation programs contained in the Notice of Proposed Rule Making (NPRM), published in the Federal Register on December 3, 2014. Our comments are being submitted in partnership with and are guided by the NAFEO Academic Deans of Education Council (NADEC), which is comprised of the 50 HBCU Schools of Education that are accredited by the National Council of Accreditation of Teacher Education (NCATE), regarded as the gold standard in acknowledging excellence in teacher education.¹

NAFEO and NADEC are submitting these comments highlighting particular concerns of the HBCU and PBI communities. We serve on the teacher preparation regulation workgroups of AACTE, ACE, and AFT. We incorporate by reference the comments submitted by those associations.

Our community of colleges and universities and our schools of education embrace accountability. We fully understand the importance of having accurate data to measure

¹ Alabama: Alabama A & M University, Alabama State University, Miles College, Oakwood College, Stillman College, Tuskegee University; Arkansas: Philander Smith College, University of Arkansas Pine Bluff; Delaware: Delaware State University; Washington, D.C.: Howard University, University of the District of Columbia; Florida: Bethune Cookman University, Florida A & M University; Georgia: Albany State University, Clark Atlanta University, Fort Valley State University, Paine College; Kentucky: Kentucky State University; Louisiana: Grambling State University, Southern University A & M College, Southern University New Orleans, Xavier University; Maryland: Bowie State University, Coppin State University, Morgan State University, University of Maryland Eastern Shore; Mississippi: Alcorn State University, Jackson State University, Mississippi Valley State University; Missouri: Harris-Stowe State University; North Carolina: Bennett College, Elizabeth City State University, Fayetteville State University, Livingstone College, North Carolina A & T University, North Carolina Central University, Shaw University, Winston-Salem State University; Oklahoma: Langston University; South Carolina: Benedict College, Claflin University, Morris College, South Carolina State University; Tennessee: Tennessee State University; Texas: Prairie View A & M University; Virginia: Hampton University, Norfolk State University, Virginia State University; West Virginia: Bluefield State University, West Virginia State University.

the effectiveness of our programs and having in place a system that will allow for fully and fairly gauging the effectiveness of the graduates of all of our programs. This is most especially true for both our undergraduate and graduate programs that are preparing education professionals, because we believe as Dr. Shirley Hufstadler, that “the role of the teacher remains the highest calling of a free people [because] to the teacher, America entrusts her most precious resource, her children; and asks that they be prepared... to face the rigors of individual participation in a democratic society.” We want the best measures of the success of our schools of education and the education professionals who graduate from HBCU and PBI schools of education because our graduates disproportionately serve in under-resourced communities, in challenged or failing schools, and in classrooms in which disproportionate percentages of the students are racial and ethnic minorities, many of whom come from families of least advantage. Our education professionals thus, assume the tremendous responsibility of preparing to high academic and civic standards each child in their classrooms, modeling excellence and civility, as well as working aggressively toward the broader goals of closing the achievement, attainment, and wealth gaps.

For the above reasons and others, our education professional preparation programs have eagerly adopted a range of mandatory and voluntary accountability mechanisms.

NAFEO and NADEC reviewed the proposed regulations from the above lens. We find the proposed regulations to be lacking in several regards. Highlighted below are the following:

- I. The Proposed Regulations Miss an Opportunity to Move the Nation Closer to Realizing the Goal of Achieving a Public Higher Education System Devoid of Vestiges of de jure Discrimination;
- II. The Proposed Approach and Methodology for Assessing Quality Teachers is Lacking in Many Regards
 - a. It Does Not Include Widely Acceptable Measures for Gauging Progress Toward Closing the Achievement and Attainment Gaps and Other Socio-Economic Imperatives;
 - b. The Proposed Assessment Measures Are Not Widely Accepted as Valid and Reliable for Evaluating Teacher Outcomes;
 - c. The Proposed Assessment Approach Incorrectly Presupposes Uniformity of Skills Required to Increase Student Learning and Achievement Among Students of All Races, Ethnicities, Socio-Economic Strata, Cultures, Generations, Religions, Both Genders, and Various Geographic Boundaries Even Within States;
 - d. The Approach to Measuring Teacher Quality and the Effectiveness of Teacher Preparation Programs Relies Heavily on Student Standardized Test Outcomes and Stakeholder Surveys to the Exclusion of Other Effective, Efficient and More Predictive Measures Accepted in the Assessment Field;
- III. The Proposed Regulations Will Result in Unintended Adverse Consequences
- IV. The Proposed Regulations are Overly Broad and Would Result in Substantial Unfunded Mandates on States and Institutions

- V. The Proposed Regulations are Overly Broad, Would Result in a Substantial Expansion of Federal Authority into Matters Heretofore Reserved to States and Institutions and May Be Violative of the First Amendment Protections of Academic Freedom

Because of the breadth, scope, complexity, cost, and we believe unwise approach the Department is proposing for achieving the Department's important goals, NAFEO and NADEC propose that the Department withdraw the proposed regulations, revise them incorporating these and other stakeholder recommendations it deems most useful, then conduct a four-year pilot program. We discuss the reasons for these conclusions in the following paragraphs.

Context

Twenty-First Century American teacher education programs must not only prepare teachers to understand and clearly convey subject matter to diverse students in engaging and impactful ways, but they must also impart to those who will be teaching professionals, the practice of conveying to the students their greatness and worth to themselves, their family, their community and the world. Teachers must bring learning to life. They must not only teach for a living, but teach students how to live and thrive in our increasingly diverse, globally connected, and technologically driven world. They must *inspire* students for civic responsibility; and *stimulate* them to identify and dedicate their lives to the highest good and ideals they know without compromising their anchor principles or allowing their spirit, hopes, ambition, or dreams to be destroyed under the impact of trials and crisis. American teacher education programs must equip the teaching professionals of today and tomorrow to help students understand their relationship and responsibility to humanity. They must prepare teaching professionals to offer a quality academic experience in a challenging and stimulating environment that prods students to test their personal beliefs against those of others in a robust exchange of ideas; and encourages them to challenge universal truths and “objectivity” against their understandings and realities.²

More than any other cohort of American colleges and universities, the schools of education at HBCUs are graduating teachers who are masters of their disciplines, who bring diverse experiences, backgrounds, perspectives, races, ethnicities, cultures, languages and teaching approaches tailored to meet the known differing learning styles of the growing populations of the states. HBCUs, just 3% of American colleges, today graduate 50% of public school teachers at the PK-12 level despite documented disparities in public and private funding for HBCUs when compared to their historically White college counterparts.

The teaching profession serves as a gateway to all other professions, and the path through which a literate democracy must tread. With the standards that have emerged since the landmark, *A Nation At Risk Report*, the United States is experiencing critical teacher

² Baskerville, Lezli et al. The Role of Historically Black Colleges and Universities in Faculty Diversity in American Federation of Teachers, *American Educator*, www.aft.org.

shortages due to factors such as swelling numbers of immigrant and baby boomer children, as well as the “graying” teaching force. HBCUs are essential to the United States for meeting the need for excellent, diverse teachers who will teach in urban and rural areas with a paucity of teachers and even fewer teaching professionals from their racial, ethnic, and cultural backgrounds, factors that have been documented as being important for the success of students.

The 50 HBCU NCATE accredited schools of education are poised to continue preparing more than their fair share of excellent diverse teaching professionals, disproportionate percentages of whom will continue serving in traditionally underserved schools. They are primed to accelerate their substantial efforts toward the national goal of having 100,000 teaching professionals in the sciences technology engineering and mathematics (STEM) by 2020.³

NAFEO and the academic deans of its fifty (50) NCATE accredited Schools of Education operating as (NADEC), believe that the proposed regulations will retard the progress of HBCU Schools of Education rather than strengthening these institutions that are central to the national efforts at closing the achievement and attainment gaps, expanding access and success.

Comment Highlights & Discussion Points Regarding the Proposed Teacher Preparation Regulations

I. The Proposed Regulations Miss an Opportunity to Move the Nation Closer to Realizing the Goal of Achieving a Public Higher Education System Devoid of Vestiges of *de jure* Discrimination

Unless revised, the Department of Education and the Administration will miss a tremendous opportunity in the proposed teacher preparation regulations to move the nation closer to eradicating the decades old practice in the eighteen (18) states known as the *Adams States*⁴-- in which the states continue to invest proportionately more in the

³ Not only are HBCU Schools of Education doing the lion’s share of preparing education professionals from the growing populations of the nation and the states, but this pattern is also in the other HBCU schools and departments. For example, HBCUs are also the leading baccalaureate institutions of blacks who earn doctorates in Science and Engineering. They produce 19 percent of undergraduate science graduates and 20.1 percent of black undergraduate engineering graduates.³ Forty percent (40 percent) of African Americans receiving four-year degrees in STEM (sciences, technology, engineering, and mathematics) receive them at HBCUs. Of the top ten (10) baccalaureate institutions for blacks who go on to receive a Ph.D. in Science or Engineering, nine (9) of the ten (10) are HBCUs.³ Twenty-four percent (24 percent) of all PhDs earned each year by African Americans are conferred by twenty-four (24) HBCUs. Eighteen (18) of the top twenty-three (23) producers of African Americans who go on to receive science related PhDs are HBCUs. They also comprise four (4) of the top ten (10) producers of successful African American medical school applicants. *See*, William L. Spriggs, Senior Economist ACLU and Professor, Howard University School of Economics , Presentation, NAFEO Presidential Peer Seminar, July 2014.

⁴ Georgia, Florida, Louisiana, Mississippi, Arkansas, Pennsylvania, Maryland, Virginia, North Carolina, and Oklahoma, Alabama, Delaware, Texas, Tennessee, Kentucky, Ohio, West Virginia, and South Carolina.

historically White colleges and universities (HWCUs) of the states than in their HBCUs, relative to the missions and outcomes of the institutions. We recommend that the Department reconsider its approach to measuring the effectiveness of teacher preparation programs and the effectiveness of new or recent teachers. We propose that measurements include an emphasis on determining the impact of the schools of education on closing the achievement and attainment gaps between White and Black/Hispanic/Native American students in the states. We recommend that the measurements also emphasize the extent to which the schools of education are establishing teacher corps more reflective of the race, ethnicity, wealth, socio-economic strata, religion, language and culture, of the increasingly diverse populations of the states.

We urge the Department to establish a measurement model of teacher education program excellence that includes an assessment of whether the investments of the states in the schools of education at the HBCUs and MSIs are comparable to those of their HWCUs schools of education relative to the missions of the schools. Taking this approach to assessing teacher education programs, relative to the closing of the achievement and attainment gaps and state underfunding of MSIs could significantly move the Nation toward eliminating the dual and unequal higher education system. It could move this Nation and the Department of Education closer to realizing national and state goals of achieving a public higher education system that is devoid of the vestiges of *de jure* discrimination. It could prod the *Adams States* to realize the letter and spirit of successive consent decrees and court cases mandating that states that maintain dual higher education systems, invest in HBCUs such that they are “comparable to and competitive with” the HWCUs of the states. This approach could establish a clear, consistent, common instrument with which to inventory and strengthen the schools of education of the states, that later might be adapted for use in every department in the public HBCUs and HWCUs to provide a fair and equitable means of determining whether the public investments in the HWCUs and HBCUs are comparable.

Not until a determination is made as to whether the states are investing comparably in their HBCUs and HWCUs and their various departments, schools, centers of research and excellence, can a state reasonably assess the effectiveness of a teacher education program or other programs in the public colleges, universities, departments or schools. Central components of determining effectiveness of a program are cost of matriculation, cost of operating the program, institutional and program resources, wealth, and outcomes.

Other critical assessment data overlooked by the Department in its proposed regulations that we believe to have been in error, include a determination of the extent to which the teacher education programs are increasing access and success to education professionals for students and families traditionally underserved or underrepresented in higher education; the extent to which the teacher education programs are comparatively affordable; supporting policies and offering foci that will enable the states to achieve eminence in targeted growth and high need areas (such as reading, English, foreign languages, sustainability and STEM) and meeting state workforce, social, civic and political needs.

II. The Proposed Approach and Methodology for Assessing Quality Teachers is Lacking in Many Regards

A. The Approach Does Not Include Widely Acceptable Measures for Gauging Progress Toward Closing the Achievement and Attainment Gaps and Other Socio-Economic Imperatives

The proposed regulations admirably reflect an understanding that excellent teacher education programs must graduate and add to the teacher force, education professionals who are diverse in race, ethnicity, and socio-economic strata, excellent in pedagogical and content understanding. The regulations also indicate an understanding of the value of all teaching professionals exemplifying the ability to impart information in ways that reach and inspire to learn the increasingly diverse students of this nation. The proposed regulations exhibit an appreciation for the fact that teacher education programs and placement in the states must move the states toward closing the achievement and attainment gaps. The proposed approach and methodology for assessing quality teachers does not, however, include assessment measures that will gauge these things. Not only would the proposed assessment approach not measure for closing the achievement and attainment gaps, but the regulations appear to “give a pass” to teacher education programs that have negligible student diversity and place few, if any, new teaching professionals in low-performing schools with students of high need. For example, in proposed Section 612.2 (d), it is recommended that data be collected to measure the overall teacher placement rate, the teacher placement rate calculated for high-need schools, the teacher retention rates and the teacher retention rates calculated for high need schools. By eliminating data gathering to measure overall teacher placement and overall teacher retention, and measuring instead solely for teacher placement rates in high need schools and teacher retention rates in high need schools, it will more clearly focus the data gathering on progress toward closing the achievement and attainment gaps. Any institution falling short in this regard would be deemed low-performing or certainly not “exceptional.” Those teacher education programs that are disengaged from preparing the increasingly diverse students of the states and placing them in the schools of highest need, would be unable to continue receiving federal government support after being afforded a “reasonable opportunity” to remedy their deficiencies.

B. There Is No Demonstration that the Assessment Approach is Widely Accepted as Valid and Reliable for Evaluating Teacher Outcomes

While suggesting a very specific approach to assessing teaching outcomes and measuring teacher effectiveness, the Department’s proposal fails to demonstrate that the measures it proposes to use are uniformly or widely accepted as the best or even valid and reliable methods of evaluating teacher outcomes. Our research suggests that there is no uniformity or widespread agreement on methods of evaluating teachers. There is widespread agreement on factors that influence achievement among different groups, including the growing student populations of the states. For example: economic circumstances, the education of parents, racial and ethnic prejudice and discrimination, cultural differences and peer influences, school resources, integrating into the curriculum

specific methodologies known to raise the achievement of all students, especially the growing majority of students⁵-- these things and others must be required aspects of any measure of effective teaching. Should the proposed complex and overly broad federal foray into state and institutional operations be adopted in whole or in part, assessments of how teachers are instructing to account for these widely accepted factors that work either to close or perpetuate the racial and ethnic achievement and attainment gaps must be measured.

C. The Assessment Approach Presupposes Uniformity of Skills Required to Increase Student Learning and Achievement Among Students of All Races, Ethnicities, Socio-Economic Strata, Cultures, Generations, and Religions, Both Genders, and Various Geographic Boundaries Even Within States

The proposed assessment approach presupposes that there is widely accepted agreement that skills required to increase student learning and achievement are consistent and uniform across students by race, ethnicity, gender, socio-economic status, wealth, cultures, generations, and geography. This has been proven not to be the case. *See, e.g.*, the research of Dr. Edmund Gordon, Dean Emeritus and Richard March Hoe Professor Emeritus of Psychology and Education, Columbia University and one of the nation's foremost experts on student learning. Dr. Gordon and his colleagues, including Dr. Michael T. Nettles, Senior Vice President and the Edmund W. Gordon Chair of ETS's Policy Evaluation & Research Center (PERC), and a member of the NAFEO Board of Directors, have researched and published extensively their findings that every student has the ability to learn, can learn, and does so differently. Dr. Gordon developed and widely reported the concept of "affirmative development of academic ability" and "supplementary education" both of which focus on improving the quality of academic achievement in diverse learners, and provide not only proposed inputs and actions to improve student learning, but also accepted measures of success in teaching diverse learners that appear to have been overlooked or rejected outright by the Department.

The Department also failed to incorporate into the proposed assessment of teacher education programs, factors from the Equity Scorecard developed by researchers at Loyola Marymount University and widely accepted as meritorious. It provides a tool for measuring institutional ethos and outcomes relative to preparing and graduating students from historically disenfranchised groups—the growing populations of America. Any assessment of teacher preparation program effectiveness that includes consideration of the extent to which the programs are closing the achievement and attainment gaps should reflect a consideration of the Equity Assessment Scorecard. We urge review and integration of the concepts, and measures of assessing teacher effectiveness and student learning outcomes advanced by Dr. Gordon, his colleagues, and other researchers, as well as the Equity Scorecard.

⁵ See, for example, The College Board, *Reaching The Top: A National Task Force on Minority High Achievement* (1999).

D. The Approach to Measuring Teacher Quality and Teacher Preparation Program Relies Heavily on Student Standardized Test Outcomes and Stakeholder Surveys to the Exclusion of Other Effective, Efficient and Perhaps More Predictive Assessment Models

The approach to measuring teacher quality contained in the proposed regulations relies heavily on student standardized test outcomes. The use of student standardized tests to determine teacher quality and the quality of teacher preparation programs, has been called into question by leaders in the assessment field. So, too, have stakeholder surveys been widely questioned based on both cost and the value of such surveys. In the proposed regulations, the Department concludes that colleague and administrator surveys would be most instructive in assessing teacher performance. In so doing it opts not to require surveys from students, families and other important frontline stakeholders and the most direct of the intended beneficiaries of the teaching.

The Department justifies its reliance on teacher retention as opposed to other measures of equal or perhaps greater value in assessing teacher outcomes, by noting its belief that inadequately prepared teachers are less likely to remain in the classroom. This may be true, but so, too, are excellent teachers with a passion to serve in under-served schools and communities less likely to remain in a classroom if they find themselves in a teaching position without a “livable wage,” in schools with inadequate resources, an unreasonable teacher-pupil ratio, high crime, and an administration that has low-expectations of the students.

III. The Proposed Regulations Will Result in Unintended Adverse Consequences

The proposed regulations will result in a number of unintended adverse consequences. Perhaps most odious of the unintended consequences is that the regulations will foreseeably have an chilling and inhibitory impact on teacher education programs placing students in underserved, low-performing, low-resourced, low-wealth, over-crowded schools in which need for excellent teachers is greatest. This is so because student learners in these classrooms may not evidence as substantial progress as students in other schools, especially relying heavily on standardized test scores to determine progress.

On the other end of the spectrum, the regulations may also serve as a deterrent for the placement of teachers in the highest performing schools in which disproportionate percentages of students are performing optimally, because in those instances, students that are already at the top of the assessment ladder may not evidence substantial growth within grade level, as there is less room for measured growth.

We are also concerned that consumers considering where to enroll to attain an undergraduate or graduate degree in an education profession may be deterred from enrolling in an institution whose service community and placement schools are disproportionately underserved students and those of least advantage, for fear of not being eligible for a TEACH grant if that is part of their plan.

IV. The Proposed Regulations Will Impose an Unfunded Mandate on States and Institutions

The Department's proposed regulations fall short of their intended purposes in that they would impose an unfunded mandate on states and institutions by requiring states to make decisions about teacher preparation programs based on employment outcomes of newly graduated or recently graduated teachers more immediately impacted by such things as the state or regional economy, need for new teachers, teacher salaries, work environment and conditions.

Many states and institutions do not have the resources to meet current data gathering and reporting requirements. They struggle to provide valid and reliable data, in a timely manner. It is unrealistic to require that within two years--especially during this time in which the economies of many states are failing miserably despite a national five-year job growth record, and world-leading GDP growth-- and when states are increasingly disengaging from higher education, that states will have the resources to monitor the employment and retention rates of teachers. It would be especially challenging and costly to monitor employment outcomes for teachers during this time of decreasing teacher tenures and increasing teacher portability between public and private institutions within states and among public institutions of several states.

We respectfully request the Department to reconsider the proposed regulations as they relate to unfunded mandates.

V. The Proposed Regulations are Overly Broad and Would Result in a Substantial Expansion of Federal Authority Into Matters Heretofore Reserved to States and Possibly Violate Academic Freedom

The proposed regulations are overly broad and would result in a substantial expansion of federal authority into matters heretofore reserved to states and institutions with good reason. The proposed regulations place the Department of Education squarely in the academic arena through the regulatory process. It proposes a comprehensive and detailed approach to improving data gathering regarding teacher preparation programs, closing the achievement and attainment gaps, and placing and retaining more excellent, diverse teachers in schools in underserved areas of high need. The approach of the Department is curious in some regards because it is so broad and intrusive that it may be deemed to be "executive overreach" by inviting political (departmental) oversight of scholarly and educational work and thus, be deemed violative of Academic Freedom.

Because of the breadth, scope, complexity, cost and dubious approach to achieving the Department's important goals, the NAFEO Academic Deans of Education Council (NADEC) proposes that the Department withdraw the proposed regulations, revise them incorporating recommendations contained herein and those of other stakeholders it deems most useful, then conducting a four-year pilot program. The pilot should be conducted in diverse geographic areas, including a representative program from the various types of

teacher preparation programs, especially those that are currently graduating disproportionate percentages of the nation's growing populations and/or placing disproportionate percentages of their student learners and recent graduates in underserved areas.

The Department should consider including in a fully funded pilot program, one or more HBCUs and MSIs because of the particular potential pitfalls for those institutions that educate disproportionate percentages of racial and ethnic minority students, and those who are first generation, then place them into service in communities and schools that mirror their demographics. The pilot should be designed to allow the institutions to implement and then measure the effectiveness of the multifaceted proposed regulations to ensure that the assessments that are proposed after the Department revises the regulations to reflect stakeholder input, are widely accepted as best for achieving the desired outcomes. The pilot should make certain that the proposed regulations do not attempt to regulate matters heretofore reserved to states and institutions, that they do not have unintended adverse impacts and unwittingly serve as a deterrent to schools of education enrolling racial and ethnic minorities, low-income and first generation students on the front end, and as a deterrent to placing any student-teachers or new teachers in underserved, under-resourced schools, with large numbers of low-income, high need students on the back end.

We thank you for the privilege of commenting on the proposed teacher preparation regulations and we thank you for your favorable consideration.

Sincerely,



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