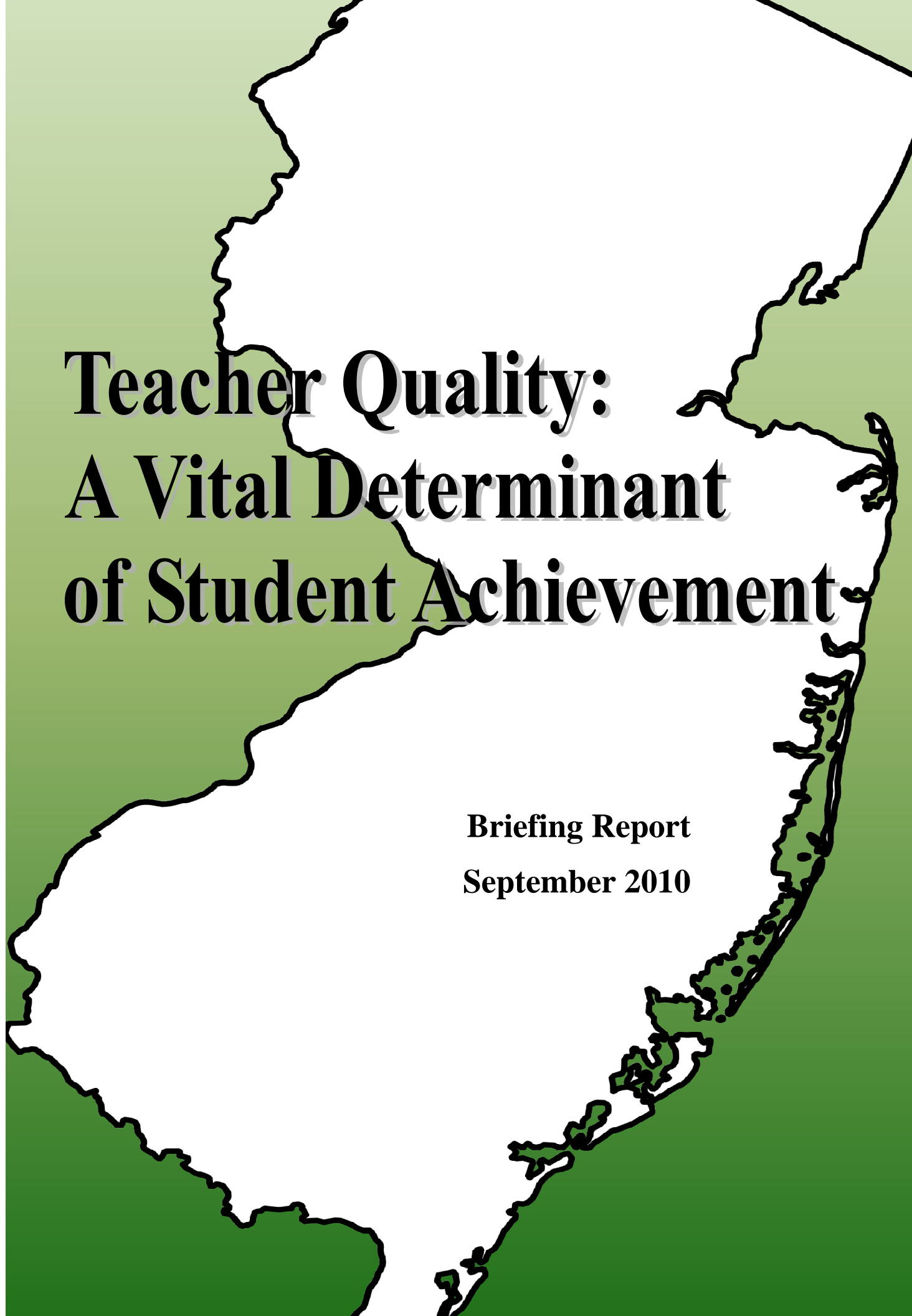


Teacher Quality: A Vital Determinant of Student Achievement

**Briefing Report
September 2010**



The United States Commission on Civil Rights

The U.S. Commission on Civil Rights is an independent, bipartisan agency established by Congress in 1957, reconstituted in 1983, and reauthorized in 1994. It is directed to investigate complaints alleging that citizens are being deprived of their right to vote by reason of their race, color, religion, sex, age, disability, or national origin, or by reason of fraudulent practices; study and collect information relating to discrimination or a denial of equal protection of the laws under the Constitution because of race, color, religion, sex, age, disability, or national origin, or in the administration of justice; appraise federal laws and policies with respect to discrimination or denial of equal protection of the laws because of race, color, religion, sex, age, disability, or national origin, or in the administration of justice; serve as a national clearinghouse for information in respect to discrimination or denial of equal protection of the laws because of race, color, religion, sex, age, disability, or national origin; submit reports, findings, and recommendations to the President and Congress; and issue public service announcements to discourage discrimination or denial of equal protection of the laws.

The State Advisory Committees

By law, the U.S. Commission on Civil Rights has established an advisory committee in each of the 50 states and the District of Columbia. The committees are composed of state citizens who serve without compensation. The committees advise the Commission of civil rights issues in their states that are within the Commission's jurisdiction. More specifically, they are authorized to advise the Commission on matters of their state's concern in the preparation of Commission reports to the President and the Congress; receive reports, suggestions, and recommendations from individuals, public officials, and representatives of public and private organizations to committee inquiries; forward advice and recommendations to the Commission, as requested; and observe any open hearing or conference conducted by the Commission in their states.

State Advisory Committee Reports

The State Advisory Committee reports to the Commission are wholly independent, and are reviewed by Commission staff only for legal and procedural compliance with Commission policies and procedures. SAC reports are not subject to Commission approval, fact-checking or policy changes.

This report is the work of the New Jersey State Advisory Committee to the U.S. Commission on Civil Rights. The views expressed in this report and the findings and recommendations contained herein are those of a majority of the State Advisory Committee members and do not necessarily represent the views of the Commission or its individual members, nor do they represent the policies of the U.S. Government.

This report can be obtained in print form or on disk in Word format from the Eastern Regional Office, U.S. Commission Civil Rights, by contacting the Commission. It is also posted on the web-site of the Commission at <http://www.usccr.gov>.

Teacher Quality: A Vital Determinant of Student Achievement

**Briefing Report of the New Jersey State Advisory
Committee to the United States Commission on
Civil Rights**

Letter of Transmittal

New Jersey State Advisory Committee to
the United States Commission on Civil Rights

Members of the Commission

Gerald A. Reynolds (Chairman)
Abigail Thernstrom (Vice-Chair)
Todd F. Gaziano
Gail Heriot
Peter N. Kirsanow
Arlan D. Melendez
Ashley L. Taylor, Jr.
Michael Yaki

Martin Dannenfels, *Staff Director*

The New Jersey State Advisory Committee submits this report, *Teacher Quality: A Vital Determinant of Student Achievement*, in furtherance of its responsibility to advise the Commission on civil rights issues in New Jersey.

The attached report is the culmination of a public briefing convened by the Committee on May 8, 2009. At that briefing, the Committee heard from invited government officials, scholars, and advocates, as well as members of the public, on the topic of educational equity in urban public schools and the impact of teacher quality.

The Advisory Committee acknowledges that there are many factors that influence student achievement. However, national studies have shown that teacher quality, which was the focus of this review, is a vital determinant of student achievement. Many of the presenters provided written statements. Some submitted additional materials for the record. All are included as appendices of this report.

This report was adopted by a vote of 12 to 5, with 1 abstention. Each dissenting member was given an opportunity to prepare a statement. The submitted statements are included with this report.

The Committee hopes that the findings and recommendations in this report will help to inform the much needed dialogue on education issues at the local, state, and national levels.

Sincerely,

Leanna Y. Brown, Chair, New Jersey State Advisory Committee*

*Leanna Y. Brown was chair of the NJ State Advisory Committee (NJ SAC) at the time that this report was adopted by the SAC. William J. Stephney is the current chair of the NJ SAC.

New Jersey State Advisory Committee to the U.S. Commission on Civil Rights
– Members designated with an asterisk served on the Education Subcommittee.

Leanna Y. Brown, Chairperson*
Chatham, NJ

Lawrence S. Lustberg
Chatham Township, NJ

Richard F. Collier, Jr.
Montgomery Township, NJ

David R. Oakley
Princeton, NJ

Jane R. Dunham*
Plainsboro, NJ

Clement A. Price*
Newark, NJ

Sherine El-Abd
Clifton, NJ

Saulo Santiago
Jersey City, NJ

Lora L. Fong*
Edison, NJ

Judd A. Serotta
Cherry Hill, NJ

Brian M. Gaffney*
Morristown, NJ

Morris G. Smith, Vice-Chairperson*
Collingswood, NJ

John J. Hart*
Lumberton, NJ

William J. Stephney*
Randolph Township, NJ

Shavar D. Jeffries*
Newark, NJ

Jackson Toby*
Highland Park, NJ

Beth Ann Jones
West Deptford, NJ

Peter W. Wood*
Windsor Township, NJ

Acknowledgments

The New Jersey Advisory Committee thanks all of the participants in the May 8, 2009 briefing for sharing their expertise and, in some cases, deeply personal stories, on this most important issue. The Committee extends a special appreciation to Kevin Donahue and Jaime Jackett, students at Seton Hall University School of Law, for their hard work and invaluable assistance in preparing this report. The Committee greatly appreciates the leadership of Shavar D. Jeffries, the Subcommittee Chairperson, and Lora L. Fong, the Subcommittee Vice Chairperson, as well as the many contributions of our fellow Education Subcommittee members, who helped set the agenda, identify and interview the participants, and produce this report. Lastly, the Committee thanks the staff of the Eastern Regional Office of the U.S. Commission on Civil Rights—Ivy L. Davis, Director; Barbara Delaviez, Deputy Director—for the administrative support that they provide to the 14 state advisory committees assigned to the Eastern Region.

TABLE OF CONTENTS

Executive Summary	1
Jurisdictional Statement	4
Summary of Presentations	6
<i>Panel A: National and State Overview</i>	6
Tim Daly, President, New Teacher Project.....	6
Professor Richard Ingersoll, Graduate School of Education, University of Pennsylvania.....	7
Jay Doolan, Ed. D, Assistant Commissioner, Division of Educational Standards and Programs, NJ Department of Education.....	9
Junius W. Williams, Esq., Director, Abbott Leadership Institute	10
<i>Panel B: New Jersey Practice and Advocacy</i>	11
Heather Calverase, Executive Director, NJ Teach for America.....	11
Norman Atkins, CEO, UKA Teacher U; Founder / Board Chair, Uncommon Schools.....	12
Wilhelmina Holder, President, Secondary Parent Council.....	13
<i>Panel C: Looking Forward</i>	13
Clifford Janey, Ed. D, State District Superintendent, Newark Public Schools...	13
Joyce Powell, President, New Jersey Education Association.....	14
Ryan Hill, Founder TEAM ¹ Academy Schools of Newark.....	16
Diana MTK Autin, Esq., Executive Co-Director, Statewide Parent Advocacy Network.....	19
Statement Submitted for the Record, Dr. Sandra Stotsky, Professor of Education Reform, University of Arkansas.....	20
Findings and Recommendations	21
Dissenting Statements	25
A. Statement of Jackson Toby, Judd Serotta, Brian Gaffney, and Peter Wood.....	25
B. Statement of Richard F. Collier, Judd A. Serotta, and Jackson Toby.....	26

¹ The TEAM schools are a network of charter schools in New Jersey and part of the Knowledge is Power Program (KIPP), “the largest and one of the highest-performing networks of charter schools in the country.” Hill’s Testimony, at 120. There are 82 KIPP schools across the country. See www.kipp.org.

Executive Summary

Educational equity has been a principal civil rights battleground for centuries. From laws prohibiting teaching literacy to slaves, to segregated public schools, the fight for racial equality has in many ways reached its full expression in education. This largely reflects the truism recognized by the United States Supreme Court in *Brown v. Board of Education*² — that “it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education.” Education, simply, is paramount to the future of each American child. Until racial disparities in access to a high-quality education are eliminated, stubborn disparities in economic, social, and political opportunity will continue. For these reasons, the quest for educational equity is arguably the most important civil-rights issue of the 21st Century.

Teacher Quality is a Key Determinant of Student Achievement. National studies have persistently shown that teacher quality is a vital determinant of student achievement. The presentations received by the New Jersey State Advisory Committee (SAC) confirm these findings. At its May 8, 2009 briefing, the Committee heard from 11 presenters; a twelfth presenter, who could not attend the briefing, submitted a written statement prior to the briefing. There was a broad cross-section of presenters including an Assistant Commissioner in the New Jersey State Department of Education, a nationally recognized education scholar, the Superintendent of the state’s largest school district, experts on teacher recruitment and training, and parent advocates. These presenters emphasized teacher quality as critical to student achievement—most doing so in stark, explicit terms, and framing teacher quality as the key driver of student achievement. In fact, 10 of the 12 presenters reported unequivocally that effective teaching is vital to student achievement. The other two did not dispute the importance of effective teachers, but also emphasized the relevance of other factors, like pre-school programs and parental involvement. The following is illustrative of the presenters’ broad consensus:

- “What teachers know and do is the most important influence on what students learn.” “The effect of teaching on student learning is greater than student ethnicity or family income, school attended by student, or class size. The effect is stronger for poor and/or minority students than for their more affluent and/or white peers.” Dr. Jay Doolan, assistant commissioner, Division of Educational Standards and Programs, New Jersey Department of Education.
- “Teacher quality, not class size, nor curriculum, nor facilities, is the most important school-based factor in influencing student achievement.” Tim Daly, president of the New Teacher Project.
- “The research on teaching as the critical ingredient in breaking this cycle of poverty [caused by high school dropout rates for minorities] is unambiguous: one study in Dallas demonstrated that two groups of students who entered third grade at exactly the same grade level differed by almost 50 percentile points after one group had effective teachers for three consecutive years and the other group had ineffective teachers for those three years.” Ryan Hill, founder, TEAM Academy Schools.

² 347 U.S. 483 (1954)

- One element of effective schools “outweighs all others: the effectiveness of its teachers.” Norman Atkins, chief executive officer, Teacher U; founder/board chair, Uncommon Schools.
- “[T]eacher preparation in both subject matter and methods in the four core academic fields [is] positively and significantly related to proficiency.” Dr. Richard Ingersoll, professor, University of Pennsylvania.
- “There are insufficient qualified and community conscious teachers to meet the needs of Newark’s public school children. The achievement gap is also informed by the extent to which urban schools are beset with permanent substitute teachers.” Junius Williams, director, Abbott Leadership Institute.
- “[A]cademic quality of our teachers is the chief school-based factor influencing student achievement” Dr. Sandra Stotsky, professor of Education Reform, University of Arkansas.

Minority and Economically Disadvantaged Students Have Disparate Access to Well-Qualified Teachers. In addition to supporting the finding that effective teachers are vital to student achievement, the expert presenters also stated that effective teachers are not equitably distributed among white and minority students, and also among richer and poorer students. For example, Assistant Commissioner Jay Doolan reported that heavily minority districts are populated disproportionately by teachers who have not met highly qualified standards under the federal No Child Left Behind Act (“NCLB”).³

“The purpose of [NCLB] is to ensure that all children have a fair, equal, and significant opportunity to obtain a high-quality education and reach, at a minimum, proficiency on challenging state academic achievement standards and state academic assessments. This purpose can be accomplished by ... meeting the educational needs of low-achieving children in our Nation's highest-poverty schools, limited English proficient children, migratory children, children with disabilities, Indian children, neglected or delinquent children, and young children in need of reading assistance; [and c]losing the achievement gap between high and low-performing children, especially the achievement gaps between minority and nonminority students, and between disadvantaged children and their more advantaged peers ...”⁴

New Jersey is responding to this challenge.⁵

³ No Child Left Behind: Pub. L. No. 107-110, 115 Stat. 1425 (2002) (codified as amended in scattered sections of 20 U.S.C.).

⁴ 20 U.S.C. § 6301 (2009).

⁵ According to the New Jersey 2008-2009 Survey Results of the Highly Qualified Teacher Initiative, dated August 19, 2009, “99.7% of NJ teachers are highly qualified in the subjects they teach. The state has made significant progress toward ensuring that all teachers are highly qualified in the content they teach. The gap between the number of classes taught by highly qualified teachers (HQT) in high poverty and low poverty schools has narrowed from 10% in 2004-2005 to 0.8% in 2008-2009. Special education classes reflect the lowest percentage of highly qualified teachers. See <<http://www.state.nj.us/education/data/hqt/09/nothqt.pdf>>

States and school districts are expected to develop a plan under which “all teachers teaching in core academic subjects” will achieve highly qualified status by the end of the 2005-06 school year. 20 U.S.C. § 6319(a)(2)-(3)

The definition of a “highly qualified teacher” in No Child Left Behind varies depending on the grade of the students and whether the teacher is new to the profession.⁶

Dr. Doolan reported further that, “regardless of how it’s measured, effective teachers are not distributed equitably across schools and districts.” Likewise, Tim Daly cited research showing that children in poor, high-minority districts are about “twice as likely as those in more affluent schools to be taught by teachers who hold neither certification nor academic majors in their fields.” Junius Williams went further describing the permanent-substitute teacher problem in a heavily minority district like Newark. Substitutes teach for large parts of, if not the entire, school year New Jersey substitutes, among other things, are not required to possess a college degree, let alone certification and a major in their field.

Recommendations. These two key findings—that effective teachers are a vital ingredient to student achievement and that racial minorities do not have the same access to effective teachers as others—means that the need to attract, recruit, and retain high-quality teachers in urban, minority school districts, as both republican and democratic presidents have emphasized, as *the* civil rights issue of our time. To address this seminal challenge, the Committee recommends a series of initiatives to provide minority children in urban-school districts with greater access to effective teachers. Arising out of the record reviewed by the Committee, we recommend the following:

- Give teachers opportunities for recognition, reward, and promotion in a supportive but challenging work environment. Apprentice programs seem to better support new professionals who are entering teaching and provide essential opportunities for ongoing training and evaluation. Apprenticeship programs also ease the transition to the teaching profession and provide needed support, training, and evaluation opportunities.
- Embed teacher and administrator preparation, recruitment, and retention efforts within larger school-improvement initiatives. Success will be more likely if schools make efforts to engage multiple parties and stakeholders in the discussion about high-quality teaching, administration, and related strategies. Additionally, there is a need to encourage students from local communities to pursue careers in education.
- Evaluate more intensively teacher and administrator preparation programs, along with more effective professional-development programs better. High-quality professional development and support for existing teachers are essential and should include teacher-led professional learning, the formation of professional learning communities, and improved working conditions. Administrators and principals also require development concerning leadership, managerial, and human-resources skills.

(2009). The New Jersey’s Plan for Meeting the Highly Qualified Teacher Goal that was submitted on July 7, 2006 is available at the following; <<http://www.state.nj.us/education/data/hqt/06/plan.pdf>>

⁶ 20 U.S.C. § 7801(23).

- Provide greater incentives, in compensation and professional opportunity and development, to attract and retain high-performing teachers at the district and school levels.
- Create a New Jersey Department of Education (“NJDOE”) sponsored Teacher Promotion and Retention Blue Ribbon Panel to investigate teacher promotion and retention, as well as the extent to which school districts use substitute teachers on a long-term basis. The Panel—composed of constituencies such as the New Jersey Educational Association, the key district personnel, and NJDOE staff—would collaborate with those districts most affected by teacher shortages and the use of long-term substitutes.
- Provide high-quality pre-service programs in colleges and universities at the district and school level. The committee recommends identifying high school and college students with proclivity and interest in education and supporting Grow Your Own⁷ initiatives in under-performing districts. The Committee supports initiatives to encourage education as a second career and to find better ways for individuals with degrees to enter the field of education.
- Implement data collection systems to track year-over-year student performance. To meet the need for transparency and accountability, the Committee recommends more consistent enforcement of NCLB, including the completion of annual report cards on teacher qualifications in each school, plans for improvement, disclosure of teachers’ qualifications to the public upon request, and letters home to parents of students taught by under qualified teachers. The Committee recommends a shift away from existing tenure models and recognizes that fair evaluation systems and effective management are essential to this aim.

Jurisdictional Statement

The mission of the United States Commission on Civil Rights (“USCCR”)—and, by extension, the State Advisory Committees (“SACs”) that aid the USCCR in discharging its duties:

First:

The Commission

- (1) shall investigate allegations in writing under oath or affirmation relating to deprivations -
 - (A) because of color, race, religion, sex, age, disability, or national origin; or
 - (B) as a result of any pattern or practice of fraud;

of the right of citizens of the United States to vote and have votes counted, and

⁷ See, e.g. <http://www.growyourownteachers.org/AboutUs/CoreConcepts.htm> (describing Illinois based teacher training program that “draws teacher candidates from persons who are not qualified for ‘Alternative Certification’ programs (i.e. do not have a bachelor’s degree) but are either currently employed in schools in these communities or participating as an active parent or community member” and related Illinois “Grow Your Own Teacher Education Act,”) 110 ILCS 48/1 *et seq.*

The Commission

(2) shall

- (A) study and collect information relating to;
- (B) make appraisals of the laws and policies of the Federal Government with respect to;
- (C) serve as a national clearinghouse for information relating to; and
- (D) prepare public service announcements and advertising campaigns to discourage;

discrimination or denials of equal protection of the laws under the Constitution of the United States because of color, race, religion, sex, age, disability, or national origin, or in the administration of justice.”⁸

The USCCR, and the SACs, are thus plainly charged with gathering, evaluating, and reporting on information relating to discrimination or a denial of equal protection of the laws. Federal civil rights laws not only prohibit intentional discrimination, but also state or private practices that, even if facially race-neutral, trigger disparate racial effects and are not justified by overriding considerations. Such disparate impact claims potentially implicate a host of federal civil rights laws—most specifically, regulations promulgated under Title VI of the Civil Rights Act of 1964⁹ that prohibit any entity receiving federal funds from engaging in practices that produce a racially discriminatory effect, regardless of intent.¹⁰ Thus, educational practices by states or school districts that produce disparate effects between, for example, white students and students of color concerning access to important educational resources like teachers, plainly implicate the protections of Title VI, and could support enforcement action by the federal government to remedy these effects.

In addition, the jurisdiction of the USSCR and its SACs is not limited to practices that by themselves constitute a violation of federal law—even though disparate effects concerning the distribution of educational resources plainly would. Nothing in the Commission’s authorizing statute suggests its jurisdiction is limited only to reporting on information that might arguably violate federal civil-rights laws. Rather, its jurisdiction extends to information-gathering and reporting facts “relating to” discrimination or a denial of equal protection. The jurisdictional grant nowhere states that information must necessarily allege, let alone establish, a violation of federal law. And prior USSCR and SAC reports broadly reflect this principle: USSCR and SAC reports often describe racial, ethnic, or gender-based disparities, without any specific conversation about whether the disparities meet the specific elements of federal causes of action.¹¹

⁸ 42 U.S.C. § 1975a(a) 2009.

⁹ 42 U.S.C. § 200d (2009).

¹⁰ See, e.g., *Alexander v. Sandoval*, 532 U.S. 275 (2001) (describing Title VI regulatory prohibitions on disparate effects, and federal government’s capacity to enforce these rules).

¹¹ See, e.g., *The Economic Stagnation of the Black Middle Class*, (usccr.gov) (USCCR report on income inequities b/w Whites and Blacks).

In these ways, the Committee’s review—the link between effective teachers and student achievement, the extent to which effective teachers are evenly distributed among minority and white students, and recommendations on alleviating any disparities found by the Committee—lies squarely within the ambit of the Commission’s purview. Racial disparities in access to high quality teachers would support a Title VI enforcement action and, in any event, these sort of racially-informed social disparities—even if they did not establish a federal law violation—fall within the Commission’s broad jurisdiction to report on matters relating to discrimination or a denial of equal protection.¹²

Summary of Presentations

Panel A: National and State Overview

Tim Daly, President, New Teacher Project¹³

Mr. Daly testified that education inequality is “the great unspoken social injustice of our time.”¹⁴ Mr. Daly shared his belief that public schools ought to function as equalizers, giving poor and minority students a chance to get ahead. However, he noted that the lack of effective teachers in urban schools denies students a quality education. Mr. Daly offered evidence that by the end of high school, African American and Hispanic students read and do math at virtually the same level as white eighth graders.¹⁵ He cited research that found an achievement gap between students of affluent districts and students of poor and high-minority districts, with high school graduation rates 75% for the affluent students, but only 60% for students of poor and high-minority districts.¹⁶

Mr. Daly indicated that teacher quality is the most important factor in closing this achievement gap, stating, “... teacher quality, not class size, nor curriculum, not facilities, is the most important school-based factor in influencing student achievement.”¹⁷ He notes that it is possible for a student with a highly effective teacher to make up one full grade level of lost learning. Unfortunately, said Mr. Daly, urban schools do not have as many effective teachers: “Research has shown that schools serving urban and low-income communities which struggle with low achievement and high dropout rates are far less likely to be staffed with effective teachers.”¹⁸ Moreover, he said, those students in a high-poverty school are “about twice as likely as those in more affluent schools to be taught by teachers who hold neither certification nor academic majors in their fields ...”¹⁹

¹² See, e.g., *Equal Educational Opportunity: An Analysis of the Racial Achievement Gap in Kentucky Urban Schools* (www.usccr.gov) (Kentucky State Advisory Committee).

¹³ *Transcript of May 8, 2009 New Jersey State Advisory Committee, U.S. Commission on Civil Rights, Planning Meeting and Community Forum, Education Review* (“Tr.”) at 5–13).

¹⁴ Tr. at 6.

¹⁵ Haycock, Kati (2001). “Closing the Achievement Gap.” *Educational Leadership*, March 2001.

¹⁶ *Diplomas Count: An Essential Guide to Graduation Policy and Rates*. Editorial Projects in Education Research Center, 2006.

¹⁷ *Id.* at 8.

¹⁸ *Id.* at 9.

¹⁹ *Id.* at 9.

Mr. Daly shared the belief that in order to increase the number of highly effective teachers in urban schools, those districts "... must align their entire human capital strategy—from teacher recruitment to placement to evaluation to career advancement—around the prime objective of maximizing teacher effectiveness."²⁰ Mr. Daly stated that teacher preparation and training must focus on potential effectiveness, and recruiting and hiring must become more selective and efficient. Teacher pay, he said, must be based on student results, and teachers must receive professional development, support, and meaningful evaluation to remain effective. Mr. Daly insisted that teachers are not interchangeable cogs, and some are not as capable as others, despite assumptions to the contrary. He noted that current teacher evaluation systems are unable to distinguish strong teachers from weak ones, and that successful teaching must be defined in terms of student performance. Mr. Daly added, "Student achievement data, though imperfect, offers the most reliable measure of teacher effectiveness we have."²¹

Professor Richard Ingersoll, Graduate School of Education, University of Pennsylvania²²

Professor Richard Ingersoll presented a summary of data and research pertaining to a national problem: many core subject classes at the middle and secondary levels (grades 7-12) are taught by teachers who do not hold a degree with a major in the subject area that they are teaching.²³ Despite the statistics, some of these teachers may have passed a test, taken courses in the subject area, or hold a state certificate. Some are likely qualified to teach their assigned subjects. According to Professor Ingersoll, regardless of how teacher qualifications are measured, an equity problem persists due to the uneven distribution of teachers with majors in the field in which they are teaching. Students in high-poverty schools are much more likely to have a teacher without a major in the field than students attending more affluent schools.

Next, Professor Ingersoll shared data illustrating the variation among states.²⁴ He then discussed several factors contributing to the problem reflected in the national data. He argued that while many causes are not well understood, an absence of effort is not a major factor. For example, the No Child Left Behind Act promised that highly qualified teachers would teach in core subject areas. Additionally, while poor teacher preparation programs in colleges and universities and shortages of teachers may be factors, Professor Ingersoll emphasized that efforts to improve preparation and to recruit more teachers have not solved the problem. Moreover, the "surplus" fields of English and social studies, which do not have a shortage of teachers, display the same trends.

²⁰ Daly prepared written statement, at 3.

²¹ *Id.* at 3.

²² Tr. at 14–20.

²³ According to national data collected by the Census Bureau of the U.S. Department of Education, 28% of English classes are taught by teachers who do not hold degrees with English majors or a major in a related field, such as journalism, communications, English education, or language arts. Slightly more than 36% of math classes in grades 7-12 are taught by teachers without a major in math or a related field, such as engineering, statistics, or math education. Science and social studies classes display similar trends.

²⁴ Nationally, on average 17% of classes are taught by teachers without majors in the field. New Jersey is below average; when combining the four core subjects, 21% of public school classes are taught by a teacher without a certificate or major in the subject. At 7%, Indiana has the lowest percentage; at 35%, Louisiana has the highest. This data has not changed substantially over the past decade and a half.

Professor Ingersoll pointed to “out-of-field teaching” as a dominant factor; this is the “lack of fit between what teachers are prepared in on one hand and what they are assigned to teach by the principals once on the job on the other hand”.²⁵ He then related a story about his personal experiences as a social studies teacher who was also assigned to teach “out-of-field” subjects such as algebra. Professor Ingersoll described several hypothetical scenarios where “out-of-field teaching” may exist because it is a cheaper, more efficient, and convenient alternative.²⁶

Concluding his remarks, Professor Ingersoll reiterated that the costs of these teaching decisions are not equally distributed. He opined that a focus on recruiting and improving teacher training will not be sufficient to address the problem and advocated for a further examination of school management and enforcement of laws already in effect, such as NCLB.

During the question and answer period, Committee member Richard Collier, Jr. asked about the impact of discrimination or other civil rights violations on the problems pertaining to teacher quality and asked whether existing laws were adequate to address the problems. Professor Ingersoll responded, “[T]here is a civil rights issue in a sense that if we want to assume that having a qualified or quality teacher is an important resource in a kid’s schooling, well, this resource is not equally distributed.”²⁷ He then discussed the problem of mixed compliance regarding the enforcement of existing rules, such as NCLB’s disclosure policies.

Committee member William Stephney asked about the variation among states. Professor Ingersoll replied that although NCLB requires annual reporting, many states do not have the necessary data. He also suggested that differences in state compliance regarding qualified teachers are likely.

Professor Richard Ingersoll, Written Report, *Can the No Child Left Behind Act Solve the Problem of Underqualified Teachers?*

Professor Ingersoll’s prepared written statement explains that the source of the problem related to under-qualified teachers is misunderstood, which is causing a failure of recent teacher-reform efforts. NCLB seeks to ensure that core academic subjects are taught by highly qualified teachers, but there is a lack of consensus regarding the definition of a “qualified teacher” and what preparation and requirements make someone qualified to teach.

According to Professor Ingersoll’s research, studies demonstrate that teacher education and preparation are significantly related to student achievement. A National Assessment of Educational Progress (NAEP) analysis “found that teacher preparation in both subject matter and methods in the four core academic fields to be positively and significantly related to proficiency in 8th grade students.”²⁸ NCLB provides a definition of a “highly qualified teacher.”²⁹ It

²⁵ Tr. at 18.

²⁶ For example, it may be efficient to assign a half-day music teacher to a different subject for the remainder of the day or to hire a less-qualified candidate to teach English because he volunteers to coach a varsity sport.

²⁷ *Id.* at 47–48.

²⁸ Prof. Ingersoll, Prepared Written Statement at 1.

²⁹ Under NCLB, a highly qualified teacher is someone who has a college bachelor’s degree, who holds a full state-approved teaching certificate (or license), and who is competent in each of the core academic fields they teach. There are four means by which teachers can establish “competency” in a field. They can (1) hold an undergraduate

mandates that states and school districts complete annual report cards pertaining to teacher qualifications, make plans for improvement, disclose teacher qualifications to the public upon request, and send letters to parents of students who are taught by under-qualified teachers.³⁰

Next, Professor Ingersoll analyzed data obtained from the U.S. Department of Education's *Schools and Staffing Survey*. Although most teachers have a college education and full certification, out-of-field teaching is widespread. Poverty and minority gaps exist, and teachers are more likely to be assigned to subjects not matching their field of education in lower-level classes and disadvantaged schools. This survey did not rely on NCLB's definition of "highly qualified" and instead focused on teachers who did not hold a major or certificate in the field taught.

Professor Ingersoll's examination of the sources of the "lack of fit" problem mirrored his presentation before the panel. Although teacher shortages may be a factor, teacher organization and school management play a larger role. Professor Ingersoll argued that solutions require an understanding of the reasons and implications of out-of-field teaching and changes to the internal management of schools, including the rethinking of staffing decisions. This may entail providing training and assistance to district and school administrators to better balance their needs, accounting for differences between various school types, and offering academic support for teachers.

Jay Doolan, Ed. D, Assistant Commissioner, Division of Educational Standards and Programs, NJ Department of Education³¹

Dr. Doolan reported that the New Jersey Department of Education (DOE) has spent the last 10 years working on improving teacher preparation, induction programs, and professional development, so that teachers are both qualified and effective. He said that New Jersey ranks in the top tier of states on the National Assessment of Educational Progress in reading, writing, and mathematics. However, Dr. Doolan noted his concern about the poor academic ranking the United States shows when compared to other developed countries worldwide, as well as New Jersey's performance gap between affluent and poor or minority students. He stated that the gap was especially prevalent in mathematics, with a 40% achievement gap between African American and white students, and a 30% gap for Latino students. Dr. Doolan shared his belief that "a focus on improving and enhancing teacher quality is critical in narrowing those gaps."³² Citing DOE research, Dr. Doolan reported, "a strong connection between teacher quality and student learning."³³ He underscored this point, saying, "What teachers know and do is the most important influence on what students learn," and that recruitment, preparation, and retention also

or graduate major its equivalent in the field, (2) pass a test on the field, (3) hold an advanced teaching certificate in the field, or (4) meet some other state-approved method of evaluation for the field. Ingersoll prepared written statement at 3.

³⁰ *Id.*

³¹ Tr. at 20–26.

³² Tr. at 22.

³³ *Id.* at 22.

must be central to the strategy.³⁴ He emphasized, finally, that “school reform cannot succeed unless it focuses on creating the conditions under which teachers can teach and teach well.”³⁵

Dr. Doolan reported that the highest rates of teachers who have not met the highly qualified standard under No Child Left Behind (NCLB) are found in high-poverty and high-minority schools.³⁶ He noted that, while the highly qualified teacher requirements of NCLB focus almost exclusively on the content knowledge possessed by teachers, he also cited research that posits other factors influence an effective teacher, including one’s (1) knowledge of the content³⁷ (2) years of experience³⁸ (3) training, pedagogy, and methods,³⁹ and (4) academic ability, as measured by SAT, ACT, GPA, and IQ scores.⁴⁰ These studies show that these four factors correlate strongly with student achievement.

Dr. Doolan explained that the research demonstrates the powerful impact that a highly effective teacher can have on student achievement, stating. “The effect of teaching on student learning is greater than student ethnicity or family income, school attended by the student, or class size. The effect is stronger for poor and/or minority students than for their more affluent and/or white peers, although all groups benefit from effective teachers. The effect accumulates over years.”⁴¹ Dr. Doolan summarized the research findings, “Regardless of how it’s measured, we know that teacher quality matters and that effective teachers are not distributed equitably across schools and districts.”⁴²

Junius W. Williams, Esq., Director, Abbott Leadership Institute⁴³

Mr. Williams stated that the chief problem in Newark public schools is the lack of “community-conscious” teachers. Many new teachers unfamiliar with the realities in urban schools, he said, undergo “a form of culture shock.”⁴⁴ Mr. Williams emphasized that traditional teacher preparation programs do not address the unique character of urban schools and leave new teachers ill prepared to face the challenges unique to urban schools. This lack of preparation, said Mr. Williams, leads to attrition, and a revolving door of teacher turnover. The problem, urged

³⁴ *Id.* at 23.

³⁵ *Id.* at 2. *See*, National Commission on Teaching and America's Future, What Matters Most: Teaching for America's Future, New York, September 1996.

³⁶ Data from the US Department of Education's National Center for Education Statistics, December 2000.corroborate this fact, showing that students in high-poverty secondary schools were 77 percent more likely to be taught by teachers without degrees in the subject they were teaching than were their affluent counterparts. Students in high-poverty schools were also twice as likely to be taught by teachers with less than three years experience. Finally, teacher mobility is a much greater problem for poor and minority students; teachers are much more likely to move from urban to suburban schools than vice versa.

³⁷ Linda Darling-Hammond, Teacher Quality and Student Achievement: A Review of State Policy Evidence. Seattle: Center for the Study of Teaching and Policy, December 1999.

³⁸ R. Greenwald, L.V. Hedges, and R.D. Laine, “The Effect of School Resource on Student Achievement,” *Review of Educational Research*, 66:3, Autumn 1996.

³⁹ National Center for Education Statistics, December 2000.

⁴⁰ R. Greenwald, L.V. Hedges, and R.D. Laine, “The Effect of School Resource on Student Achievement”

⁴¹ *Id.* at 5. *See*, The Center for Public Education, Teacher Quality and Student Achievement Research Review, November 2005.

⁴² *Id.* at 6.

⁴³ Tr. at 27–34.

⁴⁴ Tr. at 28.

Mr. Williams, “is that there are insufficient qualified and community conscious teachers to meet the needs of Newark's public school children”⁴⁵

Noting the high attrition rate, and the large number of vacancies in the Newark district, Williams reported that this “prevalent problem” leads to “hundreds of classrooms being managed by what the district terms permanent substitutes.”⁴⁶ These permanent substitute teachers are teaching instead of certified teachers, according to Mr. Williams, “because we don't have certified teachers to hire.”⁴⁷ In order to meet the demand for community conscious teachers who will remain in the Newark schools, Mr. Williams urged the importance of a Grow Your Own initiative in Newark. To this end, the Abbot Leadership Institute of Rutgers University at Newark has received a grant from the Ford Foundation to examine how a Grow Your Own initiative can address the problem of producing and retaining effective teachers in Newark. Mr. Williams shared his belief that a Grow Your Own initiative “will enable us to recruit, educate, support, and place committed Newark residents as teachers in the Newark public school district.”⁴⁸ He stressed that emphasizing community awareness is also important for teachers who take the alternative route to teaching.

Mr. Williams observed that the teachers recruited via the Grow Your Own methodology will be from the urban community, and thus be more aware of the issues that arise in that community, “The presumption with Grow Your Own teachers is that people who live and work in the district and make a commitment to teaching know more about the community.”⁴⁹ Developing teachers with community consciousness will avoid the attrition problems brought about by the culture shock experienced by those teachers not cognizant of the urban community and its unique character. Furthermore, Mr. Williams noted that based on feedback from parents and administrators in Newark, “The first priority [for teachers] is consistent community awareness and sensitivity ... second is knowledge of content.”⁵⁰

Panel B: New Jersey Practice and Advocacy

Heather Calverase, Executive Director, NJ Teach for America⁵¹

Ms. Calverase explained that teacher recruitment is a critical component in effective education, observing that recruitment of teachers with strong records of academic achievement is a primary factor in whether students will learn effectively. Teach for America strives to recruit such individuals for teaching, using rigorous selection criteria (average GPA 3.6). Teach for America further makes intense investments in pre-service training and ongoing professional development and support, and the entire program model and system of managing teachers is aligned with student achievement.

⁴⁵ *Id.*

⁴⁶ Tr. at 29.

⁴⁷ Tr. at 30.

⁴⁸ Tr. at 31.

⁴⁹ Tr. at 32

⁵⁰ Mr. Williams, Prepared written statement at 4.

⁵¹ Tr. at 60–65.

Ms. Calverase characterized Teach for America as a significant pipeline into the teaching profession, with 20,000 people having participated in the program, and two-thirds of those participants still in the education field. In her prepared written statement, Ms. Calverase praised New Jersey for its strong educational system, which has the highest reported high school graduation rate in the country.⁵² However, Ms. Calverase went on to note New Jersey's achievement gap, which she described as “truly staggering,” citing the “30 point percentage gap in high school graduation rates between white and black males.”⁵³ Ms. Calverase's written statement concludes, “We at Teach for America view educational inequality as the major civil rights problem of this era ...”⁵⁴

Norman Atkins, CEO, UKA Teacher U; Founder / Board Chair, Uncommon Schools⁵⁵

Mr. Atkins stated that the achievement gap between blacks and whites is enormous, and that “[Closing] the achievement gap in America is the civil rights movement of our time.”⁵⁶ He noted the black-white achievement gap is 10 points wider than it was a decade ago, which translates into approximately one year’s worth of learning. Mr. Atkins cited statistics that in New Jersey only 66% of black students graduate high school on time, compared to 87% of white students.⁵⁷

Mr. Atkins emphasized that high-performing schools, such as charter schools, can close and even reverse the achievement gap. There is one important element in a high-performing school “that outweighs all others: the effectiveness of its teachers.”⁵⁸ Mr. Atkins expressed the view that it is possible to close the achievement gap, and in order to do so “we must place highly qualified teachers in our neediest classrooms.”⁵⁹ Mr. Atkins noted the distinction between highly qualified teachers and highly effective teachers, stating, “... we all want highly qualified teachers in our schools. But highly qualified teachers has been translated all too frequently over these past few years as highly certified teachers. There is not necessarily a correlation between the two.”⁶⁰

Mr. Atkins underscored the importance of a highly effective teacher in every classroom, especially those in underserved urban districts. He noted, “Poor and minority students in the highest poverty schools are assigned novice teachers almost twice as often as children in low-poverty schools, and more classes in high-poverty, high-minority schools are taught by teachers trained in subjects other than the one they are teaching.”⁶¹ Mr. Atkins also commented on the problem of high rates of attrition among urban educators.

Discussing President Barack Obama's “Race to the Top” grants to stimulate innovation in education, Mr. Atkins first explained that in order to qualify for these funds, New Jersey would need to develop data systems to track how effectively teachers and districts are increasing

⁵² Ms. Calverase, Prepared Written Statement at 1.

⁵³ *Id.*

⁵⁴ *Id.*

⁵⁵ Tr. at 73–78.

⁵⁶ Tr. at 73.

⁵⁷ Mr. Atkins’ report, at 1 cites “Education Watch: State NAEP Tables,” Ed Trust, <http://www2.edtrust.org/edtrust/summaries2006/206StateNAEPTables.pdf> at 3.

⁵⁸ Mr. Atkins, Prepared Written Statement (“Atkins St.”) at 2.

⁵⁹ *Id.*

⁶⁰ Tr. at 75.

⁶¹ Atkins at 2.

student achievement. Second he urged New Jersey to join with other states in developing national standards and assessments. Third, he observed that New Jersey would need new methods to recruit and train teachers and principals.⁶²

“Schools of Education,” said Mr. Atkins, “must develop effective teachers, those who stimulate and generate student learning.” At the Teacher U project at New York City's Hunter College, future educators must demonstrate student achievement in order to earn their teaching degree. Mr. Atkins expressed the belief that districts should allow simple certification for beginning teachers and demand student achievement. If student achievement does not occur, teachers should lose their certification. This brand of teacher accountability is common in charter schools, and an important part of education reform. Public schools need to be accountable, and be closed if not performing acceptably.

Wilhelmina Holder, President, Secondary Parent Council⁶³

Ms. Holder, speaking as a parent advocate for students, shared her concern over the structural divide between the education received by low income children of color, and those in more affluent areas. Ms. Holder stated that the lack of a high-quality and effective educators lies at the core of the disparity and precludes any authentic learning. She cited research that suggests that teacher quality and effectiveness is the most powerful determinant of a child's educational success or failure.

Ms. Holder went on to urge that school administrators must also be part of the solution, citing examples of principals who treat the students like “inmates instead of budding scholars.”⁶⁴ She recommends that novice teachers be supported by administrators, so as to combat the feeling of isolation that is frequently reported, and a stronger mentor program must be implemented. Ms. Holder expressed concern over substitute teachers who are placed in the classroom long-term, while the school reports a highly certified teacher in the classroom, describing such activity as “fraud.”⁶⁵ She advocated for *true data* on the certification of teachers in the classroom and those teaching out-of-field. Furthermore, parents should be notified to help ensure their child's success in school.

Panel C: Looking Forward

Clifford Janey, Ed. D, State District Superintendent, Newark Public Schools⁶⁶

Dr. Janey advised the Committee that the most effective strategies for change are those that can be sustained over time, affecting schools and families, as well as communities, and that these reforms must happen at the district level. He emphasized the profound effect that teachers have on student learning and achievement, and stressed the importance of recruiting, developing, and retaining high-quality teachers.

⁶² Tr. at 74–75.

⁶³ Tr. at 65–73.

⁶⁴ Tr. at 67.

⁶⁵ Tr. at 70.

⁶⁶ Tr. at 108–112.

Dr. Janey went on to acknowledge the shortcomings that Newark public schools have to overcome in terms of hiring. For example, half of the teachers applying for a job do not receive replies, and of those that do, offers are made in August and September, which leaves a less qualified applicant pool. He also lamented the lack of applicants in high need areas such as math, science, and special education. He insisted that the recruitment process must begin earlier.

In his prepared written submitted to the Committee, Dr. Janey cited a New York City study that tracked teacher performance over a five-year period.⁶⁷ The factors that were used to measure teacher qualification included “teaching experience, performance on state teacher certification exams, certification status and area, competitiveness of a teacher's undergraduate institution, pathway into teaching, SAT scores.”⁶⁸ Dr. Janey suggested the New York City study demonstrates a great inequity in the distribution of high-quality teachers.⁶⁹

Moreover, Dr. Janey’s prepared statement questions whether teacher effectiveness improves consistently with each additional year of experience and for each advanced degree. Traditional teacher compensation systems make that assumption and pay teachers according to years of experience and highest degree earned. However, Dr. Janey cites a study that suggests that “elementary teachers who have completed graduate degrees are not significantly more effective at increasing student learning than those with no more than a bachelor's degree.”⁷⁰ However, the study further found that at the secondary level, holders of advanced degrees do, in fact, have a positive effect on student achievement. Dr. Janey observed that studies differ in findings on whether teacher experience correlates with student performance. Some contend this difference is only apparent with first year teachers, while other researchers have found gains in effectiveness between the first and second year, and no substantial improvement beyond the third year. Still other studies conclude that effects on student performance from teacher experience are largely concentrated in the early years.⁷¹

Joyce Powell, President, New Jersey Education Association⁷²

Joyce Powell began by summarizing the New Jersey Education Association’s (NJEA) efforts in ensuring high-quality teaching and learning in New Jersey. NJEA represents approximately 207,000 members in the State and recognizes the need for high-quality pre-service programs in colleges and universities, the need to identify high school and college students with the proclivity for and interest in education careers, and the need for continued professional development. Also,

⁶⁷ The NYC study mentioned is Boyd, et al, The Narrowing Gap in the NYC Teacher Qualifications and its Implications for Student Achievement in High-Poverty Schools. Policy Brief. Retrieved May 4, 2009 from <http://teacherpolicyresearch.org/portals/1/pdfs/NYCTeacherSortingPBFinal.pdf>. This study compiled data from students and teachers from third grade to eighth grade between 2000 and 2005. Dr. Janey Report at 2.

⁶⁸ Dr. Janey Report at 2.

⁶⁹ “High poverty schools were far more likely to have teachers who failed the state certification exam the first time they took it ... In 2000 teachers in the highest poverty quartile were also much more likely to have fewer than 3 years of experience, to have graduated from the least competitive colleges, and have much lower scores on SAT exams than did teachers in lower poverty schools.” Dr. Janey Report at 2.

⁷⁰ Dr. Janey cites the Center for Educator Compensation Reform, retrieved May 4, 2009 from http://cecr.ed.gov/guides/researchSyntheses/Research%20Synthesis_Q%20A2.pdf, Dr. Janey Report at 5.

⁷¹ Dr. Janey Report at 4.

⁷² Tr. at 113–120.

NJEA sees opportunities in recruiting individuals who may choose education as a second career and in discovering better ways for individuals with degrees to enter the education field.

Next, Ms. Powell highlighted important components of efforts to ensure high-quality teaching and learning. She advocated for high-quality professional development “so that [educators] can know the latest trends, so that they can have the best information.”⁷³ Additionally, studies reflect that high-quality pre-kindergarten programs foster student achievement and, in some districts, have helped narrow achievement gaps between African American students and Caucasian students and between Hispanic students and Caucasian students. Moreover, she pointed out that private and charter schools have class size limits not present in public schools.

Ms. Powell then shared examples of the union’s involvement in school reform efforts in New Brunswick and Asbury Park.⁷⁴ According to Ms. Powell, NJEA is also working to ensure good working conditions and competitive salaries to better retain teachers. Through polling of those leaving the profession, NJEA identified that many teachers feel that they do not have the necessary support to remain in a difficult and challenging position. NJEA is working to ensure that union members have access to information and support of the administration. Also, because there is a shortage of science teachers, NJEA is sponsoring programs in Jersey City, Newark, and Paterson to certify science teachers and is working with the NJ Department of Education and the State Administration to support legislation⁷⁵ to provide the opportunity for others to go into teaching the sciences. Finally, the union is working with churches and faith-based programs aimed at achieving stability with parents and engaging the community.

During the question and answer segment, Committee member Shavar Jeffries asked about Ms. Powell’s perspective on tenure and accountability. Ms. Powell replied that tenure is about due process and giving individuals the ability to defend themselves and “does not necessarily mean that you have a job for life.”⁷⁶ She stated that there is accountability in the tenure system because principals and supervisors evaluate teachers. She added that NJEA “would be in favor of a peer assistance-type program” of evaluation but not “peer review because of the laws that we have in New Jersey regarding the supervision of personnel.”⁷⁷ Later, Ms. Powell contributed that there are very few tenure hearings in the state, involving less than 1% of teachers, but the number of tenure hearings, as well as the length of administrative leave for teachers, may vary among districts.

⁷³ Tr. at 115.

⁷⁴ Under an agreement with the New Brunswick Board of Education and its administration, NJEA took over a school in the district and helped with the identification of personnel and administrators. At a cost to NJEA, the school installed washers and dryers for parents to encourage communication with teachers and to enable parents to learn more about the school. Asbury Park schools had difficulties with violence in schools, including some attacks on educators. NJEA invested \$300,000 over four years and developed a partnership with the University of Medicine and Dentistry of New Jersey’s (UMDNJ) Center for Healthy Schools to provide counseling and training for the community, parents, teachers, and students.

⁷⁵ See, P.L.2009, c.51. effective July 4, 2009, establishes an 18 month pilot program in the NJDOE to address the state’s shortage of mathematics and science teachers, targeting workers displaced in economic downturn who have work-related backgrounds in mathematics and science.

⁷⁶ Tr. at 139.

⁷⁷ Tr. at 141.

Responding to Committee member Jane Dunham’s question about the role of students and parents in accountability and teacher performance, Ms. Powell reiterated that parents play a critical role. She stated that in Little Silver, a district with engaged parents, 95% of the students perform 95% or higher on tests. SAC member Lawrence Lustberg inquired about standards other than seniority to measure teacher performance. Ms. Powell emphasized that bargaining agreements between teachers and districts may include their own criteria. Some teacher contracts in New Jersey include some performance-based agreements. She said that the union supports “extra pay for extra work, coaching, and those kinds of things, and we would support developing the criteria to determine how one can be evaluated.” When asked about the impact of violence on teacher recruitment and retention, Ms. Powell responded that polls indicate that violence is not a dominant factor in causing teachers to leave the profession. Instead, factors such as lack of supervision and support as well as a feeling that one cannot participate in decision-making have a greater effect.

Ms. Powell also emphasized, in her prepared statement, the importance of high-quality teacher preparation programs and ongoing professional development. New Jersey requires at least 100 hours of professional development every five years, and NJEA supports teachers by hosting an annual convention and several small conferences. Within the past two years, NJEA helped launch the Center for Teaching, “which is charged with researching, testing, and providing high-quality professional development in New Jersey.”⁷⁸

Her prepared statement also focused on teacher retention and collaborative professional development programs. She stated that urban districts could be trendsetters and advocated for job-embedded professional development and teacher-led professional learning because building a sense of community leads to better recruitment, retention, and measurable academic improvements. According to Ms. Powell, “[t]eachers want to come to and stay in places where their work is appreciated and where they know they are making a difference.”⁷⁹ Moreover, with state support, improving working conditions and school facilities is an “important step toward improving the learning environment, lifting student and staff morale, and setting the stage for student success.”⁸⁰ Ms. Powell stressed that urban districts should strive to compensate teachers well and to treat them as professionals with a decision-making role in academic programming. “When urban schools make themselves attractive places to work, they find they can attract excellent educators who are eager to face the challenges and capable of overcoming them.”⁸¹

Ryan Hill, Founder TEAM⁸² Academy Schools of Newark⁸³

Ryan Hill called the racial achievement gap a “civil rights disaster ... almost an economic catastrophe.”⁸⁴ He also framed the problem as a having a human cost, where many students enter

⁷⁸ Ms. Powell’s Prepared Written Statement (“Powell St.”) at 2.

⁷⁹ Powell St. 3.

⁸⁰ Powell St. 4.

⁸¹ *Id.*

⁸² The TEAM schools are a network of charter schools in New Jersey and part of the Knowledge is Power Program (KIPP), “the largest and one of the highest-performing networks of charter schools in the country.” Hill’s Testimony, at 120. There are 82 KIPP schools across the country. *See* www.kipp.org.

⁸³ Tr. 120–129.

⁸⁴ Tr. at 121. According to the McKinsey Group, findings from recent studies show that “to close the racial achievement gap, the GDP each year would be half a trillion dollars higher, and if we catch up to the schools in

TEAM schools in the fifth grade with poor academic achievement levels and low self-esteem. Mr. Hill stated that teachers are not to blame but “can provide the solution.”⁸⁵ He has seen the positive effects of high-quality teaching on student achievement and shared a story about a student who defied the odds after entering a KIPP (Knowledge Is Power Program) school, attaining placement on the honor roll and is applying to college. Mr. Hill credited good teachers with this student’s success.

According to Mr. Hill, results seen at KIPP schools illustrate that high-quality teaching can close the achievement gap. For example, in school districts where approximately 10-15% of students go to college, 80% of the KIPP students do so. Furthermore, in Newark, only one out of over 1,000 students dropped out of school and actively working to obtain a GED.

To improve recruitment and retention of the best teachers, Mr. Hill highlighted a need to change the image of the teaching profession. Advancement and compensation based on seniority rather than performance may protect bad employees. Instead, Mr. Hill advocated rewarding the best teachers with higher pay and more recognition and responsibility in their profession. He related a story of two new teachers with similar preparation and academic aptitude. After a challenging first year of teaching, one rose to become a star teacher while the other left the profession. According to Mr. Hill, “the skills needed to survive that first year, charisma, experience, determination, are not necessarily the same skills needed to excel in the long run ... it is almost impossible to figure out ahead of time who is going to make a great teacher and who is not.”⁸⁶

Mr. Hill presented several recommendations for enhancing teacher quality. First, he described an apprenticeship program, “a very slow, gradual deliberate on-ramp into the teaching profession,” where teachers receive mentoring support and progressively take on more responsibility to fit their readiness level.⁸⁷ Next, he detailed efforts at TEAM schools to provide multiple career paths in teaching, including opportunities to pursue a career in academic management. He said that TEAM is developing a system akin to that at universities with increasing levels of influence and compensation. For example, a new teacher may first serve as an apprentice before rising to the positions of associate, fully vested teacher, and master teacher. Other efforts were directed at developing better school managers, eliminating teacher tenure that protects poorly performing teachers, and expanding alternative pathways to teaching.

Committee member Peter Wood pointed out contradictions in the panelists’ presentations. For instance, the panelists had emphasized that teacher quality is essential for student success but simultaneously stated that teachers are not to blame for the current achievement gaps. Mr. Hill responded that it was not a contradiction and that there is a need for the highest performers to see teaching as an appealing profession. In response to SAC member Brian Gaffney’s question about the impact of violence, Mr. Hill stated that violence was not as much an issue in his schools, which have trained teachers in collaborative student management. He also stated that teachers who are leaving urban schools are not leaving due to violence.

Finland and Korea, that achievement gap between us and those two nations, we’d benefit as a country to the tune of two trillion dollars a year.” *Id.*

⁸⁵ Tr. at 122.

⁸⁶ Tr. at 126–27.

⁸⁷ Tr. at 127.

According to Mr. Hill's prepared written statement, "[t]he racial and socioeconomic achievement gap⁸⁸ that plagues our nation's children is America's greatest shame. In this 'land of opportunity,' a child's access to the American Dream depends more on his or her race and socioeconomic class than on any other factor or set of factors."⁸⁹ But research shows that teacher quality can close this gap and improve student achievement.⁹⁰ Mr. Hill discussed how teacher quality has a greater impact than school effects⁹¹ and class size.⁹² He emphasized that charter school efforts demonstrate that reform is possible.

His prepared statement outlined six solutions aimed at improving teacher recruitment, retention, and quality: (1) structuring the profession in a way that appeals to high performers;⁹³ (2) developing apprentice programs that train and evaluate new teachers;⁹⁴ (3) creating multiple career paths along which the best teachers are provided escalating incentives and authority based on their performance in the classroom;⁹⁵ (4) developing better managers and management systems within schools;⁹⁶ (5) abolishing tenure and improving assessment systems;⁹⁷ (6) expanding alternate pathways to teaching.⁹⁸ According to Mr. Hill, schools that have succeeded

⁸⁸ 55% of African American students and 58% of Latino students graduate from high school compared to 78% of white students. Mr. Hill's Prepared Written Statement ("Hill St.") at 1-2. Moreover, the average white 12th grader is 4 years ahead of his/her African American peers, with implications for earning potential, the cycle of poverty, and continued segregation. *Id.* at 2.

⁸⁹ Hill St. at 1.

⁹⁰ According to Malcolm Gladwell, who cited Stanford economist Eric Hanushek's estimate, the students of a very bad teacher will learn, on average, half a year's worth of material in one school year. The students in the class of a very good teacher will learn a year and a half's worth of material. That difference amounts to a year's worth of learning in a single year. Hill St. at 3.

⁹¹ "Teacher effects dwarf school effects: your child is actually better off in a 'bad' school with an excellent teacher than in an excellent school with a bad teacher." Hill St. at 3.

⁹² Mr. Hill stated that the average class size would need to be cut in half to attain the same academic boost that occurs from replacing an average teacher with one in the eighty-fifth percentile.

⁹³ This includes providing opportunities for recognition, reward, and promotion with supportive management while changing the image of the profession to one that does not protect low-performers but challenges high-performers.

⁹⁴ According to Mr. Hill, the "competencies needed to be an adequate teacher are quite different from those that are needed in order to be great." Hill St. at 6. An apprenticeship program like that implemented in the TEAM Charter Schools would greatly increase the number of teachers who succeed in their first two years. This would enable teachers whose intelligence and work ethic give them the potential for greatness to have an easier ride through the first couple of years in which the threshold skills of classroom management and relating to students are attained. It would also let districts usher the low-potential teachers out of the profession before they could have a negative impact on their students or the school. Hill St. at 6-7.

⁹⁵ Mr. Hill argues that influence, promotions, and compensation should be linked to teaching performance. Evaluation should be linked to student outcomes with standardized test scores only a part of the calculation. This would better align teaching with other industries that attract the best and the brightest. *See also* Teacher Advancement Program (TAP), www.talentedteachers.org.

⁹⁶ Mr. Hill points out that current school management licensure programs often do not adequately develop management skills. He believes there is a need for the development of "management pipelines ... with managers who are rigorously trained and evaluated based on their skill at developing and retaining teachers." Hill St. at 8. *See also* KIPP, www.kipp.org. Furthermore, Mr. Hill thinks that while NCLB's focus on data is important, student proficiency tests are insufficient in evaluating teachers. Instead, there is a need for a "more nuanced evaluation system," which includes training administrators to apply judgment, observe classes, and measure student growth. Hill St. at 9.

⁹⁷ Fair evaluation systems and effective management are essential to the abolition of tenure protections.

⁹⁸ *Id.* at 4-5. *See* Teach for America, www.teachforamerica.org; New Teacher Project, www.tntp.org; and Teacher U, www.teacheru.org for examples of alternate pathways to teaching.

in attracting and retaining great teachers have used some combination of these recommendations. “In order to prepare *all* our nation’s children for a future in which they are competitive with their peers around the world, and make our country the land of opportunity for *all* students, regardless of their background, we must make teaching a profession that our best and brightest college graduates turn to first, and never leave.”⁹⁹

Diana MTK Autin, Esq., Executive Co-Director, Statewide Parent Advocacy Network¹⁰⁰
(SPAN)¹⁰¹

Diana Autin stated that while charter schools are improving the acceptance of children with disabilities, mainly those with learning disabilities, many students are in need of more intensive services not offered at charter schools. She also discussed how NCLB revealed a civil rights issue by requiring the disaggregation of data pertaining to teacher qualifications and student performance.

Ms. Autin spoke about the critical role of parents in their children’s education.¹⁰² She argued that in addition to a focus on teacher quality, there is a need to educate, engage, and empower parents in order to improve educational achievement, particularly for low-income, African American, Latino, other immigrant, or non-English speaking families. Parents may participate in school management teams and parent development workshops; this involvement is associated with higher student achievement, better school attendance rates, and a reduction in dropouts, delinquency, and pregnancy. Moreover, Ms. Autin stated that educational intervention programs are more effective if they involve families rather than students alone.

Next, Ms. Autin discussed the relationship between students and teachers, the third strongest influence on student learning. She stated that high-quality teaching is a “human endeavor” and includes the “capacity to empathize with, serve as role models for, and act as confidantes to students in their classrooms.”¹⁰³ Other important influences on student learning are school culture, classroom climate, and students’ access to teachers who value and understand the social identity of students.¹⁰⁴ According to SPAN, there is a large difference between the quality of urban and suburban schools in New Jersey, with troubling data pertaining to students with disabilities and English language learners.¹⁰⁵ Ms. Autin stated that even teachers who meet the

⁹⁹ Hill St. at 11.

¹⁰⁰ The mission of SPAN is “to empower families and inform and involve professionals and others interested in the healthy development and educational rights of children, and our priority is children who are placed at greater risks due to poverty, stability, race, language, or immigrant statute.” Tr. at 129.

¹⁰¹ Tr. at 129-38.

¹⁰² A Fostering Educational Resilience at Inner Schools report “identified that home environment and parents’ support is the second most influential category in terms of influences on learning ... even among families that are of limited economic means and/or facing severe hardships.” Tr. at 131.

¹⁰³ *Id.* at 133.

¹⁰⁴ A study, Identity: Belonging and Achievement, found that “increasing the sense of connectedness raised motivation and persistence among students by as much as 70 percent.” *Id.* at 133. This study also discussed “stereotype threat, a fear of confirming negative stereotypes about one’s group, which undermines performance by raising stress and mental load.” Stereotype threat may be based on race, class, or disability. *Id.* at 133-134.

¹⁰⁵ At the middle school level in New Jersey, 13% of special education self-contained classes and resource rooms are not taught by highly qualified teachers in high-poverty schools compared to less than 1% in non-poverty schools. *Id.* at 135.

State’s requirements for highly qualified teachers may not be prepared to teach the full range of children they will find in their classrooms—students with disabilities or other special healthcare needs, students from cultures other than their own, students from other countries who are experiencing cultural and linguistic transformation, and students whose families are struggling to survive day to day.¹⁰⁶

Ms. Autin concluded by providing a number of recommendations: (1) embed teacher and administrator preparations, recruitment, and retention efforts within larger school improvement initiatives; (2) engage multiple parties/stakeholders in discussions about high-quality teaching and administration and related strategies; (3) encourage students from the community to pursue careers in education; (4) evaluate teacher and administrator preparation programs; (5) increase parent involvement; (6) provide incentives for the best teachers to teach in the poorest and lowest-performing schools and districts; (7) provide high-quality, ongoing professional development.¹⁰⁷

Her response to SAC member Peter Wood discussed the economic inequities. She stated that teacher quality is not the only factor contributing to the disparities that are present not only in urban settings but also among the poor, African Americans, immigrants, and students with disabilities that are in the suburbs. As to SAC member Brian Gaffney’s question about the impact of violence in schools, Ms. Autin noted that researched-based interventions, such as school life positive behaviors in sports, may reduce student violence and misbehavior. She stated that she was unsure if these interventions would retain more teachers but that they would create a supportive culture.

Statement Submitted for the Record, Dr. Sandra Stotsky, Professor of Education Reform, University of Arkansas¹⁰⁸

In her submitted statement, Dr. Stotsky explains that “the academic quality of our teachers is the chief school-based factor influencing student achievement.”¹⁰⁹ She explains further that teacher quality is not evenly distributed among school districts, as “urban students tend to be taught by academically less able teachers than are their suburban peers.”¹¹⁰ Dr. Stotsky specifically finds fault with prevailing teacher-certification and licensure standards, claiming both that teacher-preparation and teacher-licensing requirements are too academically weak. She reports, in particular, that “the academic knowledge expected of prospective K–8 teachers is minimal in states using ETS’s PRAXIS II tests.”¹¹¹ New Jersey uses the Praxis II. Dr. Stotsky finds that the use of academically weak certification and licensing standards “discriminates against urban students who depend far more than do suburban students on the academic quality and effectiveness of their teachers for fostering their academic growth.” For these reasons, Dr.

¹⁰⁶ *Id.* at 135–36. [Comment: Confirm page reference.]

¹⁰⁷ According to Ms. Autin, professional development should include peer mentoring and coaching and focus not only on academic content and instructional strategies but also on mechanisms and tools to use data to guide instruction and continuous improvement and strategies to build and strengthen positive, motivating, and supportive relationships with students, parents, and peers, and enhance school-wide and class-wide positive behavior supports. *Id.* at 137–38.

¹⁰⁸ Dr. Stotsky did not present at the May 8, 2009 hearing, but she did submit a written statement.

¹⁰⁹ Dr. Stotsky Written Statement (“Stotsky St.”) at 1.

¹¹⁰ *Id.*

¹¹¹ *Id.* at 3.

Stotsky urges states to take steps to substantially increase the academic rigor of the subject-area-knowledge components of licensure tests, “so that urban teachers *begin* their teaching careers with more adequate academic backgrounds than they now do and with a familiarity with teaching practices that are supported by evidence from high quality research.”¹¹²

Findings and Recommendations

1. We find that high-quality teaching is critical to student achievement, particularly in under-performing school districts. Teacher education and preparation are vital to student achievement. Effective teachers are indispensable to closing the achievement gaps between minority and white students, and poorer and richer students.

- **Recommendations:** To improve teacher quality, efforts must change the image of the teaching profession to attract high-performers. Schools must provide opportunities for recognition, reward, and promotion in a supportive but challenging work environment. Apprentice programs better support new professionals who are entering teaching and provide essential opportunities for ongoing training and evaluation. These programs would better ensure that teachers experience success as they transition to a difficult career.

2. We find that highly qualified teachers are not evenly distributed between suburban and urban schools. These teachers are oftentimes not evenly distributed between schools within a district, and the trend extends to students with disabilities and English language learners. Out-of-field teaching is more prevalent in high-poverty school districts. Regardless of how teacher qualifications are measured, an equity problem persists.

- **Recommendations:** To ensure that school districts focus on the equity problem, the Committee recommends embedding teacher and administrator preparations, recruitment, and retention efforts within larger school improvement initiatives. Success will be more likely if schools make efforts to engage multiple parties and stakeholders in the discussion about high-quality teaching, administration, and related strategies. Additionally, there is a need to encourage students from local communities to pursue careers in education. The Committee recommends a further evaluation of teacher and administrator preparation programs as well as continued professional development. There must be increased efforts to involve parents and to provide opportunities for schools to partner with their communities. Moreover, there is a need to provide incentives, in compensation and professional opportunity and development, to attract and retain high-performing teachers.

3. We find that nationally, as well as in New Jersey, many core subject classes at the middle and secondary level (grades 7–12) are taught by “permanent subs,” or certified teachers teaching subjects for which they are not certified. Most teachers have a college education and full certification. Nonetheless, national data and testimony before the Committee illustrates that “out-of-field” teaching is prevalent; students in high-poverty schools are more likely to have a teacher

¹¹² *Id.* at 1, 4 (emphasis in original).

without a major in the field. In some areas, teacher shortages may be a factor, but school management has a greater impact.

- **Recommendations:** The Committee recommends that the New Jersey Department of Education create a Teacher Promotion and Retention Blue Ribbon Panel to investigate teacher promotion and retention, as well as the extent to which school districts use substitute teachers on a long-term basis. The panel—composed of constituencies such as the New Jersey Educational Association, the key district personnel, and NJDOE staff—would collaborate with those districts most affected by teacher shortages and the use of long-term substitutes. The Committee also recommends that efforts continue to better enforce existing laws in effect, such as NCLB, and to demand change to the internal management of schools and staffing decisions. The Committee also recommends providing training and assistance to district and school administrators and enforcing disclosure rules pertaining to highly qualified teachers.

4. We find that urban schools have difficulty recruiting and retaining high-quality teachers. We find that schools with stronger professional development programs and collaborative work environments better attract and retain teachers.

- **Recommendations:** Education reform efforts must strive to provide high quality pre-service programs in colleges and universities. The Committee recommends identifying high school and college students with proclivity and interest in education and supporting Grow Your Own initiatives in under-performing districts. The Committee supports initiatives to encourage education as a second career for some and to find better ways for individuals with degrees to enter the field of education. Additionally, continued high-quality professional development and support for existing teachers is essential and should include teacher-led professional learning, the formation of professional learning communities, and improving working conditions. Apprenticeship programs also ease the transition to the teaching profession and provide needed support, training, and evaluation opportunities. Administrators and principals also require development and managerial or human resources skills.

5. We find that teacher quality must be measured in term of student achievement, and not merely teacher certifications. Highly qualified must mean more than highly certified, as existing certification and licensure standards are not sufficiently rigorous, by themselves, to consistently yield effective teachers. Moreover, existing tenure models, focusing on seniority rather than performance, are insufficient and may protect ineffective teachers. Teachers must be trained, recruited, hired, evaluated and licensed in terms of student achievement. The definition of a “highly-qualified teacher” is multi-faceted, and the evaluation of teacher quality must account for a number of variables.

- **Recommendations:** The Committee recommends that New Jersey re-evaluate the efficacy of its teacher certification and licensure practices, and in particular re-assess whether these standards are sufficiently academically rigorous to ensure that teachers are prepared immediately to deliver effective instruction. The Committee also recommends implementing data collection systems to track year-over-year student performance. To

meet the need for transparency and accountability, the Committee recommends more consistent enforcement of NCLB, including requiring the completion of annual report cards on teacher qualifications in each school, plans for improvement, disclosure of teachers' qualifications to the public upon request, and letters home to parents of students taught by under-qualified teachers. The Committee recommends a shift away from existing tenure models and recognizes that fair evaluation systems and effective management are essential to this aim.

Dissenting Statements

The following Committee members voted no on the report: Richard F. Collier, Brian M. Gaffney, Judd A. Serotta, Jackson Toby, and Peter W. Wood.

Statement of Jackson Toby, Judd Serotta, Brian Gaffney, and Peter Wood

The report implies that the public schools need great teachers to give underprivileged children a chance at an education that can take them out of poverty. We are skeptical that the major reason for the poor educational achievement in inner-city schools is under prepared or otherwise inadequate teachers. We are skeptical also that, even if the teachers in inner-city schools are less competent than suburban teachers, that this is a denial of the civil rights of inner-city kids. The achievement gap is an educational problem, not a discrimination problem. It is not possible to get great teachers in these difficult schools even if we knew how to select great teachers and even with the incentive of high salaries because teachers either won't apply for jobs in these schools or will quit very quickly after experiences in them with disruptive, uninterested, or violent students. Also, the report says nothing to address the problems that urban schools have (along with all other New Jersey schools for that matter) in compensating the best teachers well, and ridding themselves of the worst teachers – as is done, for example, in private industry.

In his testimony Ryan Hill says he believes that selecting top-notch teachers was the secret of the success of the KIPP Charter Schools.¹¹³ We agree that the KIPP schools are remarkable successes at educating kids from poverty and minority backgrounds. But we interpret their success very differently from Mr. Hill.

In our view, the reason that the KIPP schools as well as other charter schools are able to attract good teachers and retain not only their services but their enthusiasm is that the students want to be in them so much that they accept longer school days, rules about homework and studying, and civilized behavior in class. When even a small proportion of students in a class are disruptive, teachers give up on teaching as a career or on teaching in an inner-city school. We believe Ryan Hill provided support for this interpretation by his personal experiences. Hill cited two excellent teachers who were his colleagues in a New York City public school. After the first year, Isabelle was so demoralized that she left the teaching profession. Heidi remained in teaching but she is now teaching in one of the KIPP schools.

¹¹³ Tr. at 6–7.

Statement of Richard F. Collier, Judd A. Serotta, and Jackson Toby

We agree that disparate outcomes in minority school districts are deplorable and that society must continue to assign the highest priority to solving this problem. We also agree that the report correctly identifies some of the causes of this problem, and that some of the suggestions in the report may well be helpful in eliminating or ameliorating these causes.

However, we cannot agree that the report has established a justification for concluding that these causes can or should be approached as civil rights issues. In our view, the report properly advocates the need for a heightened and more honest debate on educational outcomes and policies, but does not tie the debate to civil rights as such in the sense of pointing to any civil rights laws that have been violated, under-enforced, or not enforced at all, or by pointing to any course of conduct that needs to be eradicated by new or tightened civil rights laws. The problem of disparate outcomes appears to be the result of (often seemingly intractable) economic, social, political, labor, familial, housing, cultural, immigration-related, and other systemic policies, programs, and problems. For example, the fact that minority districts cannot attract teachers of the type desired by the report does not appear to be the result of any subjectively or objectively nefarious government policy or neglect. On the contrary, for a long time now, government policies and programs have gone out of their way to help minority districts with funding and other programs designed to attract good teachers. If a teacher problem persists, it is in spite of these efforts, and not because of these efforts. Society needs to identify the real causes and deal with them; in the meantime, it is not helpful to pour fuel on the fire by labeling the problem a civil rights issue, thereby demonizing some of those involved and allowing others to exploit the label as a lever for extracting their own preferred policy solutions (which may turn out to be just as misguided or futile as those that are currently being pursued in apparent good faith). For example, one could well conclude that drastic action against the union stranglehold on the school system is necessary, but does this mean that the union problem is a civil rights problem?

Anticipating our objection, the report argues that the disparate outcomes in minority districts establish a clear and indisputable violation of Title VI. We disagree with this legal conclusion, which strikes us as overstated, unfair, and unsupported by rigorous analysis. As we understand it, the term "disparate impact" can be used in two senses: (1) the ultimate conclusion under Title VI that someone is guilty of actionable discrimination; and (2) the threshold differences that are the first step in analyzing whether such a conclusion can be reached. The mere fact that disparate outcomes exist (and the report seems correct in saying that this is the case) does not automatically justify the ultimate conclusion of actionable discrimination. Before one can reach this conclusion, one must first establish that the disparate outcomes are the result of subjective (i.e., intentional) discrimination or facially neutral policies that are objectively unjustified. The witnesses and all committee members agree that the disparate outcomes are not the result of subjective, intentional discrimination. Where we differ is on the other type. The report takes the position that the mere existence of disparate outcomes in minority districts establishes that the policies in place in minority districts are unjustified and therefore discriminatory. As one witness suggested, unequal outcomes is a civil rights issue because we know how to fix it, and we are not doing what needs to be done to fix it. We disagree with this analysis, which dilutes the definition of civil rights, as well as being overly optimistic about our ability to fix systemic problems that have stubbornly resisted decades of concerted effort and purported expertise.

In conclusion, our own view is perhaps best summarized in the eloquent testimony of one of the witnesses:

I think what makes this issue so hard is there is not a bogeyman ... I wish there were. There is not an enemy at our door that we can go fight against. I think we are getting killed by a thousand cuts and by a Byzantine system and a lack of will to address all of those particular issues in a systematic way, and I would say that the culprit[s] in this whole mess ... are the adults, because they are certainly not the kids, but we, all of us, all of us are culpable for not getting ourselves together and figuring out how to organize our work lives, how to reward good work, how to credential people to be ready to do the work, how to bring joy and love and rigor and success to the classrooms, how to send the best and the brightest into the schools, how to do so many things that can make great schools great ...

U.S. Commission on Civil Rights

Eastern Regional Office

624 9th Street, NW

Washington, DC 20425

OFFICIAL BUSINESS

Penalty for Private Use \$300