



February 2, 2015

Docket ID ED-2014-OPE-0057

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

Dear Secretary Duncan:

The American Association of Colleges for Teacher Education (AACTE) is a national alliance of educator preparation programs dedicated to high-quality, evidence-based preparation that assures educators are ready to teach all learners on Day 1. Its over 800 member institutions represent public and private colleges and universities in every state, the District of Columbia, the Virgin Islands, Puerto Rico, and Guam. AACTE leads the field in advocacy and capacity building by promoting innovation and effective practices as critical to reforming educator preparation.

We are pleased to offer our response to the U.S. Department of Education's Notice of Proposed Rule Making (NPRM) for teacher preparation programs published December 3, 2014, in the Federal Register.

The members of AACTE embrace accountability for their work. They are eager to learn more about the effectiveness of their graduates and seek continual program improvement to ensure graduates' profession-readiness on Day 1 in the classroom. Our members' teacher preparation programs also engage in continual reform influenced by research about effective practice, feedback from their K-12 partners, local and national workforce demands, changing requirements from their legislature and state, new professional standards for preparation, and funding to support targeted initiatives.

Teacher preparation programs actively support accountability mechanisms that are fair, transparent, valid, reliable, feasible, and useful for program improvement. The regulatory proposal put forward by the Department falls far short of meeting these criteria, and it would draw energy, funding, and attention away from innovative reforms, proven accountability initiatives, and the overall program improvement currently under way in teacher preparation programs across the country.

This letter outlines our concerns with the proposed regulations followed by comments addressing each section in the NPRM. In addition, we append supporting documents. Although we provide these detailed comments for the record, we find the proposed regulations are so

significantly flawed that we recommend they be withdrawn. Instead, the Department should submit a legislative proposal reflecting its views on Title II and the TEACH grants to Congress as it begins the reauthorization of the Higher Education Act.

## **CONCERNS**

### **Federal Overreach**

By mandating that states use a federally dictated rating system and the indicators by which teacher preparation programs must be rated, the proposed regulations insert the federal government into jurisdiction now held by states and institutions of higher education. Furthermore, the proposed regulations extend the federal requirements of the Department of Education's Elementary and Secondary Education Act (ESEA) waivers to states that do not have federal waivers. This use of higher education policy to further expand K-12 policy sets a dangerous precedent in a number of ways:

- The regulations would intrude on state and institutional decision making. For example, program approval and the indicators used to determine such approval are the states' prerogative.
- By linking students' access to federal financial aid (TEACH grants) to the effectiveness rating of their teacher preparation program, the proposed regulations would set a precedent to alter federal financial aid policy through regulation rather than through the legislative process.
- The proposed regulations would expand K-12 policy by requiring all non-ESEA waiver states to assess all students in nontested grades and subjects—a practice that is currently required only in states with ESEA waivers granted by the U.S. Department of Education and in states that have chosen to participate in the Race to the Top program.
- Policy changes as significant as those proposed by these regulations should have the benefit of the scrutiny and deliberation offered by the legislative process. The Department should submit its proposal to Congress for consideration during reauthorization rather than implementing policy change through regulation.

### **Unfunded Mandate**

The proposed regulations would require statewide data systems to be designed, implemented, and refined in a year, yet offer no federal funding to cover the costs—amounting to an unfunded mandate by the federal government. Given that states are required to balance their budgets, states would have to either take funds away from other programs or raise taxes or fees to comply with this requirement. The cost of implementing this unfunded mandate could be passed on to students via tuition increases and/or decreased state funding for higher education.

The Department estimates the cost of implementation to be \$42.1 million over 10 years, a number that many view as insufficient. Even the Department admits that its estimates may be low:

*“Due to uncertainty about the current capacity of States in some relevant areas and the considerable discretion the proposed regulations would provide States, we cannot evaluate the costs of implementing the proposed regulations with absolute precision.” (p. 71858)*

### **No Evidence of Efficacy**

AACTE members favor data systems that permit the analysis of programs’ impact on student achievement, and some are contributing partners in state-based efforts to create these data systems. Currently, no state fully implements the rating system proposed by the regulations for teacher preparation programs. A more reasonable approach to the development of such a massive set of data systems would be to institute pilot programs that could be evaluated prior to broader implementation. The proposed data systems have yet to be piloted or evaluated to determine feasibility, to evaluate effectiveness, or to uncover unintended consequences. Measures of program effectiveness are still being tested for validity and reliability, and attaching high-stakes consequences at this point is ill-advised. In addition, there is no consensus in research or among the profession that the indicators chosen by the Department combine to accurately represent program quality.

### **Extension of K-12 “Test and Punish” Model Into Higher Education**

With a rating system, performance levels, and high-stakes consequences mirroring Department policy for K-12 education, these proposed regulations would extend the “test and punish” accountability model into higher education. Research has demonstrated that using approaches such as value-added methodology to measure teacher effectiveness is fragile at best. Extending these metrics to the evaluation of preparation programs only adds to validity concerns.

### **Unworkability of Proposed System**

Given the complexity of annually assessing 25,000 individual teacher preparation programs using four federally mandated indicators, these proposed regulations are unworkable. Most states do not have the capacity to enact these assessments, as the requisite data systems are not in place. In addition, privacy concerns would be raised, and new burdens on teachers and principals to fill out surveys annually would further pressure limited capacity.

### **Working Against Equity in Education**

One of many and persistent challenges to improving achievement in schools serving low-income and minority communities is the unequal distribution of experienced teachers, often resulting in a large number of novice or early-career teachers in high-need schools. Both ESEA and the Department’s new “Excellent Educators for All” initiative require states to work to address this challenge by finding pathways to ensure more experienced teachers join or remain at high-need schools. Yet these proposed regulations incentivize teacher preparation programs to place first-year teachers in high-need schools, with no funding to build the supports needed to sustain new teachers in these settings. Thus the regulations would retard progress toward the equitable distribution of experienced teachers.

## **Disproportionate Impact on Minority-Serving Institutions and High-Need Fields**

The proposed regulations would have a disproportionate impact on institutions whose mission includes serving students from underrepresented groups or whose prior education has provided limited preparation for college, including many public and private minority-serving institutions (MSIs). Such institutions prepare significant numbers of candidates to teach in high-need schools. These regulations would compromise the important mission of such institutions. Programs seeking to prepare students for high-need fields, such as special education and English as a second language, could likewise be disadvantaged. The result could be a less diverse workforce and aggravated shortages in high-need fields.

In addition, while states are required to support MSIs and other institutions equivalently, states often are not held accountable and the support is uneven, leaving MSIs at a loss. Should the proposed regulations be implemented, MSIs could see this funding inequity deepen, as states would have less support to offer thanks to the lack of federal funding for the implementation of these regulations.

## **Negative Effect on Affordability and Access to College**

Because these regulations would limit access to federal financial assistance for teacher candidates, they would affect the affordability of college for many students. Since low- and middle-income students, as well as students of color, are disproportionately affected by changes in financial aid for higher education, they would be disproportionately affected by these regulations. Restricting access to financial aid would turn back the clock on progress in building an educator workforce that is culturally and racially representative of communities served. Finally, with the continually rising cost of higher education, the creation of greater instability in access to student financial aid would likely exacerbate current (or pending) teacher shortages across the nation.

## **COMMENTS BY SECTION (NPRM LANGUAGE IN ITALICS)**

*§612.1 Scope and purpose.*

AACTE does not concur with the Department of Education's assessment that this far-reaching policy change is an appropriate role of the federal regulatory function. In fact, such a move is viewed by many, including AACTE, as federal overreach.

By mandating that states use a federally dictated rating system and the indicators by which teacher preparation programs must be rated, the proposed regulations insert the federal government into jurisdiction now held by the states, which authorize and regulate institutions of higher education. For example, program approval and the indicators used in approval decisions are currently and historically the states' prerogative. Furthermore, the proposed regulations extend the federal requirements of the Department of Education's ESEA waivers to the seven states that have either chosen not to seek a federal waiver or have been rejected by the Department in their quest for a waiver. The proposed regulations would expand K-12 policy by

requiring all non-ESEA waiver states to assess all students in nontested grades and subjects—a practice that is currently required only in states with ESEA waivers granted by the U.S. Department of Education or in states that have chosen to participate in the Race to the Top program. This use of higher education policy to further expand K-12 policy sets a dangerous precedent.

By linking students' access to federal financial aid (TEACH grants) to the effectiveness rating of their teacher preparation program, the proposed regulations would set a precedent to alter federal financial aid policy through regulation rather than through the legislative process.

Policy changes as significant as those proposed by these regulations should have the benefit of the scrutiny and deliberation offered by the legislative process.

#### *§612.2 Definitions.*

The Department creates over 20 new definitions in the NPRM that are not found in law, as well as expanding on previously established definitions and including definitions that are found only in guidance for Department-initiated programs. The regulatory process is not the place to enforce new definitions that have significant policy impact and consequences. In addition, some of these definitions lead to internal inconsistencies within the regulations themselves. AACTE has selected some definitions on which to comment directly; however, a lack of comment in no way condones any of the new definitions or their uses.

*(d) Other definitions used in this part are defined as follows:*

*New teacher: A recent graduate or alternative route participant who, within the last three title II reporting years, as defined in the report cards pursuant to §§ 612.3 and 612.4, has received a level of certification or licensure that allows him or her to serve in the State as a teacher of record for K-12 students and, at a State's discretion, preschool students.*

A *new teacher* is defined as either someone who has completed the program or someone who is still in the program, in the case of alternate routes. This definition creates different standards for alternate route programs and traditional programs in terms of measuring retention. If alternate route participants are required to be teaching as part of their program, they would automatically be considered retained for years that traditional route participants are not yet eligible to be teaching, making comparisons of the two groups invalid.

*Student achievement in non-tested grades and subjects: For purposes of determining student growth in grades and subjects in which assessments are not required under section 1111(b)(3) of the Elementary and Secondary Education Act of 1965, as amended (ESEA), measures of student learning and performance, such as student results on pre-tests and end-of-course tests; objective performance-based assessments; student learning objectives; student performance on English language proficiency assessments; and other measures of student achievement that are rigorous, comparable across schools, and consistent with State guidelines.*

This provision would create new requirements—specifically, new testing requirements—for school districts and alter K-12 policy through the promulgation of a higher education regulation. States that do not currently have waivers under ESEA and that do not participate in Race to the Top would now be required to comply with components of the waiver. Restructuring K-12 policy through higher education regulation is inappropriate.

*Student growth: For an individual student, the change in student achievement in tested grades and subjects and the change in student achievement in non-tested grades and subjects between two or more points in time.*

*Student learning outcomes: For each teacher preparation program in a State, data on the aggregate learning outcomes of students taught by new teachers. These data are calculated by the State using a student growth measure, a teacher evaluation measure, or both.*

These definitions invite the utilization of value-added modeling to judge both teachers and preparation programs. Selected research that calls into question the efficacy of this practice is noted in Appendix A. Federal regulations should be solidly grounded in research, and this provision is not. We discuss this concern further in the section on indicators.

*Teacher placement rate:*

*(i) Calculated annually and pursuant to §612.5(a), the combined non-duplicated percentage of new teachers and recent graduates who have been hired in a full-time teaching position for the grade level, span, and subject area in which the teachers and recent graduates were prepared.*

*(ii) At the State's discretion, the rate calculated under paragraph (i) of this definition may exclude one or more of the following, provided that the State uses a consistent approach to assess and report on all of the teacher preparation programs in the State:*

*(A) New teachers or recent graduates who have taken teaching positions in another State.*

*(B) New teachers or recent graduates who have taken teaching positions in private schools.*

*(C) New teachers or recent graduates who have taken teaching positions that do not require State certification.*

*(D) New teachers or recent graduates who have enrolled in graduate school or entered military service.*

According to this requirement, states would need to have a way of knowing which new teachers or recent graduates are not teaching in the state. How would a state know whether a recent graduate has gone to another state to teach or has simply decided not to teach at all? How would a state know if a recent graduate is attending graduate school in that state or another state? How would a state know if a recent graduate is teaching in a private school? Would private schools be required to report on the programs that graduated their new teachers? (If so, this requirement would raise new privacy concerns: States would need information about program graduates that is not publicly available and that may violate privacy laws to obtain.)

Like many other reporting requirements throughout the regulations, this one would go beyond placing burden on individual states.

*Teacher retention rate:*

*(i) Calculated annually and pursuant to §612.5(a), any of the following rates, as determined by the State provided that the State uses a consistent approach to assess and report on all of the teacher preparation programs in the State:*

*(A) The percentage of new teachers who have been hired in full-time teaching positions and served for periods of at least three consecutive school years within five years of being granted a level of certification that allows them to serve as teachers of record.*

*(B) The percentage of new teachers who have been hired in full-time teaching positions and reached a level of tenure or other equivalent measure of retention within five years of being granted a level of certification that allows them to serve as teachers of record.*

*(C) One hundred percent less the percentage of new teachers who have been hired in full-time teaching positions and whose employment was not continued by their employer for reasons other than budgetary constraints within five years of being granted a level of certification or licensure that allows them to serve as teachers of record.*

*(ii) At the State's discretion, the rates calculated under this definition may exclude one or more of the following, provided that the State uses a consistent approach to assess and report on all teacher preparation programs in the State:*

*(A) New teachers who have taken teaching positions in other States.*

*(B) New teachers who have taken teaching positions in private schools.*

*(C) New teachers who are not retained due to particular market conditions or circumstances particular to the LEA beyond the control of teachers or schools.*

*(D) New teachers who have enrolled in graduate school or entered military service.*

The concerns noted on page 6 in regard to the definition of *teacher placement rate* also apply to the definition of *teacher retention rate*. In addition, states would have to follow graduates of teacher preparation programs for up to 5 years to calculate retention rates. In the first few years of the implementation of these regulations, some programs could be in jeopardy of receiving a low rating because graduates have not taught enough to be counted in this calculation. Please also see our comments on pages 14-15 on using retention rates to rate teacher preparation programs.

**Subpart B—Reporting Requirements**

*§612.3 What are the regulatory reporting requirements for the Institutional Report Card?*

*Beginning on October 1, 2017, and annually thereafter, each institution of higher education that conducts traditional teacher preparation programs or alternative routes to State certification or licensure programs, and that enrolls students receiving title IV HEA program funds—*

*(a) Must report to the State on the quality of teacher preparation and other information*

*consistent with section 205(a) of the HEA, using an institutional report card that is prescribed by the Secretary;*

*(b) Must prominently and promptly post the institutional report card information on the institution's Web site and, if applicable, on the teacher preparation program portion of the institution's Web site; and*

*(c) May also provide the institutional report card information to the general public in promotional or other materials it makes available to prospective students or other individuals.*

The Department has set an unrealistic timeline for implementation of the regulations, beginning with the assumption that the design and establishment of the data systems required to fully implement the proposed regulations would be completed in a single academic year (NPRM, p. 71829). We discuss the challenges of this assumption in our response to the Office of Management and Budget (Appendix B, pp. 7-9, 29-31). The proposed October 2017 pilot start date for the annual reporting cycle for the institutional report card, with data pertaining to institutions' programs and new teachers in the 2016-2017 academic year, is unworkable.

#### *§612.4 What are the regulatory reporting requirements for the State Report Card?*

*(a) General. Beginning on April 1, 2018, and annually thereafter, each State must—*

*(1) Report to the Secretary, using a State report card that is prescribed by the Secretary, on—*

*(i) The quality of all approved teacher preparation programs in the State (both traditional teacher preparation programs and alternative routes to State certification or licensure programs), including distance education programs, whether or not they enroll students receiving Federal assistance under the HEA; and*

The Department has included distance education programs in this regulation without explaining how they would be evaluated. For example, if a distance education program serves students in 22 states through 23 different programs, would each program in each state be individually evaluated by that state, resulting in 506 separate annual evaluations? How would it help to inform potential candidates if the same program receives different ratings in different states? This is one example of an implementation challenge not addressed adequately in the proposed regulations.

*(ii) All other information consistent with section 205(b) of the HEA; and*

While the Department has estimated a decrease in state and institutional burden due to these regulations, the creation of the performance assessment rating system for each of the 25,000 teacher preparation programs in the United States would be a greater burden than what is already required of the states and the institutions of higher education through the Higher Education Opportunity Act of 2008, Title II, Section 205(b). Please see our response to the Office of Management and Budget (OMB) in Appendix B for further comment and analysis.

*(b) Reporting of information on teacher preparation program performance. In the State report card, beginning in April 2019 and annually thereafter, the State—*



*(1) Must make meaningful differentiations in teacher preparation program performance using at least four performance levels—low-performing teacher preparation program, at-risk teacher preparation program, effective teacher preparation program, and exceptional teacher preparation program—based on the indicators in §612.5 including, in significant part, employment outcomes for high-need schools and student learning outcomes;*

The Department continues to delve into the jurisdiction of the states. In addition to mandating the rating system and the required indicators by which all 25,000 teacher preparation programs would be judged, the Department now also requires that two indicators weigh more than the others. In addition, the Department inaccurately assesses that states would have their data systems in place and functioning accurately in time for this full implementation and reporting of the results of this rating system.

*(2) May identify the performance level for a teacher preparation program as effective or higher quality only if it has satisfactory or higher student learning outcomes;*

These regulations fail to define how a state would determine what constitutes “satisfactory or higher student learning outcomes.” This vagueness undermines the Department’s justification of the necessity of these regulations to ensure transparency and clarity in the data on teacher preparation programs. It also reinforces our doubt that the rating system would be able to provide meaningful comparisons of programs, instead misinforming the public, employers, potential candidates, and policy makers.

*(3) Must provide—*

*(i) For each teacher preparation program—*

*(A) Disaggregated data for each of the indicators identified pursuant to §612.5; and*

*(B) The State’s assurance that the teacher preparation program either is accredited by a specialized agency pursuant to §612.5(a)(4)(i), or produces teacher candidates with content and pedagogical knowledge and quality clinical preparation who have met rigorous teacher candidate entry and exit qualifications pursuant to §612.5(a)(4)(ii);*

*(ii) The State’s weighting of the different indicators in §612.5 for purposes of describing the State’s assessment of program performance; and*

This provision holds that each state would determine its own weighting system of at least the four mandated indicators as described in the regulations. While the Department would require that student learning outcomes receive the highest weight, followed by employment outcomes for high-need schools, states would be left with some flexibility in determining the exact weighting system for the programs within their borders. Unfortunately, this flexibility would prevent meaningful state-to-state comparison of program ratings. This variability would undermine the Department’s stated goal of providing meaningful data and information so consumers could make informed choices, including comparing programs from state to state. Instead, the ratings would mislead consumers, who would reasonably assume that the same metrics were being applied across states and programs. Furthermore, the proposed regulations

also permit states to evaluate certain indicators differently for alternative route programs. This flexibility would leave consumers unable to directly compare ratings of traditional and alternative route teacher preparation programs in a state or across state lines.

*(iii) The State-level rewards or consequences associated with the designated performance levels;*

In light of the extensive cost estimates offered by many institutions and states in letters to OMB responding to the call for comment (NPRM, p. 71884) due January 2, 2015, it is hard to imagine that states would be able to offer financial rewards. AACTE also addresses this issue in our comments to OMB (Appendix B, pp. 15, 26-27). Furthermore, states would be assessing rewards or consequences based on ratings that lack efficacy.

*(4) In implementing paragraph (b)(1) through (3) of this section, except as provided in paragraphs (b)(4)(ii)(D) and (E) of this section, must ensure the performance of all of the State's teacher preparation programs are represented in the State report card by—*

*(i) Annually reporting on the performance of each teacher preparation program that produces a total of 25 or more new teachers in a given reporting year (program size threshold), or, at a State's discretion, annually reporting on the performance of each teacher preparation program that produces fewer than 25 or more new teachers (lower program size threshold—e.g., 15 or 20)—in a given reporting year; and*  
*(ii) For any teacher preparation program that produces fewer than a program size threshold of 25 new teachers in a given reporting year (or for a State that chooses to use a lower program size threshold, for any teacher preparation program that produces fewer new teachers than the lower program size threshold), annually reporting on the program's performance by aggregating data under paragraph (b)(4)(ii)(A), (B), or (C) of this section in order to meet the program size threshold (or for a State that chooses a lower program size threshold, in order to meet the lower program size threshold) except as provided in paragraph (b)(4)(ii)(D) or (E) of this section.*

*(A) ... aggregating data that determine the program's performance with data for other teacher preparation programs that are operated by the same teacher preparation entity and are similar to or broader than the program in content.*

*(B) ... aggregating data that determine the program's performance over multiple years for up to four years until the size threshold is met.*

*(C) If a State cannot meet the program size threshold (or for a State that chooses a lower program size threshold, if the State cannot meet the lower program size threshold) by aggregating data under paragraph (b)(4)(ii)(A) or (B) of this section, it may aggregate data using a combination of the methods under both of these paragraphs.*

*(D) The State is not required under this paragraph (b)(4)(ii) to report data on a particular teacher preparation program for a given reporting year if aggregation under this paragraph (b)(4)(ii) would not yield the program size threshold (or for a State that chooses a lower program size threshold, would not yield to the lower program size threshold) for that program.*

*(E) The State also is not required under this paragraph (b)(4)(ii) to report data on a particular teacher preparation program if reporting these data would be inconsistent with Federal or State privacy and confidentiality laws and regulations; and*

AACTE members have expressed deep concerns on the matter of program size with regard to reporting and rating, as well as concerns and a need for clarity on the various methods offered by the Department for a program to reach the 25-new-graduate threshold (or the threshold set by the state). In addition, some worry that the threshold could be designed to limit the impact on programs. See our response to OMB (Appendix B, pp. 15, 23-24) for our concerns around the aggregation of data for small programs that are relevant here as well.

*(5) Must report on the procedures established by the State in consultation with a group of stakeholders, as described in paragraph (c)(1) of this section, and the State's examination of its data collection and reporting, as described in paragraph (c)(2) of this section, in the State report card submitted—*

*(i) On April 1, 2018, and every four years thereafter; and*

*(ii) At any other time that the State makes substantive changes to the weighting of the indicators or the procedures for assessing and reporting the performance of each teacher preparation program in the State described in paragraph (c) of this section.*

*(c) Fair and equitable methods—*

*(1) Consultation. Each State must establish in consultation with a representative group of stakeholders the procedures for assessing and reporting the performance of each teacher preparation program in the State under this section.*

*(i) The representative group of stakeholders must include, at a minimum, representatives of leaders and faculty of traditional teacher preparation programs and alternative routes to State certification or licensure programs; students of teacher preparation programs; superintendents; school board members; elementary through secondary school leaders and instructional staff; elementary through secondary school students and their parents; IHEs that serve high proportions of low-income or minority students, or English language learners; advocates for English language learners and students with disabilities; and officials of the State's standards board or other appropriate standards body.*

*(ii) The procedures for assessing and reporting the performance of each teacher preparation program in the State under this section must, at minimum, include--*

*(A) The weighting of the indicators identified in §612.5 for establishing performance levels of teacher preparation programs as required by this section;*

*(B) The aggregation of data pursuant to paragraph (b)(4)(ii) of this section;*

*(C) State-level rewards or consequences associated with the designated performance levels; and*

*(D) Appropriate opportunities for programs to challenge the accuracy of their performance data and classification of the program.*

This consultation would need to be extensive, ongoing, and transparent. The Department vastly underestimates the amount of time, cost, and burden that would be involved in addressing each

of the procedures for assessing the reporting on these areas for each teacher preparation program (Appendix B, pp. 14-16, 28-29). These determinations would create the state system and would need to be constantly monitored and assessed. Given the complexity of determining a process and procedure for each of the four aspects listed above, it is likely that a permanent capacity would need to be developed in the state for this function, which would require staff and resources. States currently function in tight fiscal environments, and with no federal funding to support the implementation of these proposed regulations, we question how states could move forward on crafting such processes and procedures.

While the Department establishes the core membership requirements of the group to be consulted on these matters, it makes no mention of seeking those who represent smaller programs. This representation is vital in regard to the work of this group on determining the method of aggregation for programs that produce fewer than the 25 new teachers or on determining the state threshold. In addition, given the variability of students enrolling in smaller programs, the aggregation method should be revisited each year to ensure that the smaller programs in the state are being served and the data and the rating accurately reflect the work of the teacher preparation programs. See our related concerns on this matter in our response to OMB (Appendix B, pp. 15, 23-24).

In the work of this group on determining state rewards and consequences, we question the amount of information that would have to be shared with the participants on the fiscal status of the state to determine what the rewards should be for high-performing programs. Rewards are envisioned as financial in nature, but states operate under tight fiscal constraints. Certainly states would not want to find themselves in an environment where rewards were unable to be distributed yet consequences (i.e., the retracting of monies) would ensue.

AACTE is concerned about the lack of support and standards for programs to challenge the accuracy of their performance data and final rating. Many aspects of the rating system carry the potential for inaccurate data to be inputted or for data to be challenged. The regulation does not propose how to ensure robust and transparent appeals processes for programs to challenge their ratings. Given the high-stakes results connected to the program ratings, we imagine that programs would take the opportunity to challenge their rating should it be of the two lower ratings that the Department has dictated to states. See further discussion of this point in our letter to OMB (Appendix B).

*(2) State examination of data collection and reporting. Each State must periodically examine the quality of the data collection and reporting activities it conducts pursuant to paragraph (b) of this section and §612.5, and, as appropriate, modify its data collection and reporting activities using the procedures described in this paragraph.*

This requirement for periodic examination of data collection and reporting is entirely insufficient. Data collection and reporting must be routinely and rigorously examined and analyzed to ensure transparency and accuracy in the data and in the high-stakes results garnered from the use of the data. Given that states' data systems are not designed or actualized at this time to fully implement the regulations, careful scrutiny of the data collection—especially in the early years of the data systems—is vital to ensure that data from multiple sources are accurate, and if they

are not, modifications must be made. States, whose budgets are tight at all times, would need to plan ahead for future costs and burdens around data collection and reporting for these regulations. We also addressed concerns on this matter in our letter to OMB (Appendix B, p. 28).

*§612.5 What indicators must a State use to report on teacher preparation program performance for purposes of the State report card?*

*(a) For purposes of reporting under §612.4, a State must assess, for each teacher preparation program within its jurisdiction, indicators of academic content knowledge and teaching skills of new teachers from that program. These indicators of academic content knowledge and teaching skills must include, at a minimum—*

*(1) Student learning outcomes.*

As defined in the NPRM (p. 71826), states would need to collect data on student growth of students assigned to new teachers—defined as “the change in student achievement for an individual between two or more points in time” (NPRM, p. 71831). These outcomes would be calculated by the state using student growth measures, a teacher evaluation measure, or both. Later in the NPRM (p. 71833), *student growth* is defined as the change in student achievement in both tested and nontested grades and subjects for an individual student between two or more points in time.

The Department reinforces the use of controversial “value-added modeling” (VAM) as a way to assess student growth for use in this high-stakes rating system. Much research (see Appendix A for examples) points to the challenges and ineffectiveness of using VAM to evaluate both teachers and teacher preparation programs. In addition, the Department would require that teacher evaluation measures include, as a significant factor, data on student growth for all students (NPRM, p. 71837). The Department is clearly supporting and augmenting the testing of America’s students at a time when parents, teachers, and other key stakeholders are calling into question the true value of yearly testing.

The Department’s inclusion of a requirement that nontested subjects (referring to those grades and subjects required by ESEA) now be tested would result in an added burden to states that do not have ESEA waivers from the Department or Race to the Top funds, which require such testing. The expense of creating new testing systems for nontested grades and subjects could drastically affect states’ budgets and their ability to fully implement the proposed regulations.

In its letter to OMB commenting on the cost and burden analysis, the State of California—a nonwaiver state—estimated it would cost \$232,939,000 to actualize the regulations and \$485,272,059 annually to implement the regulations. As we noted in our letter to OMB on the cost and burden of these proposed regulations, the estimate of the cost to ensure that student data would be both private and secure in the State Longitudinal Data Systems is a significant underestimation (Appendix B, pp. 7-9, 29-31).

The regulations would require that student learning outcomes be given the most weight of any of the indicators and that to be a TEACH grant-eligible program, a program must have

satisfactory student learning outcomes. There are potential unintended consequences for making such a measure so prominent in a high-stakes rating system. For example, programs may choose to no longer place their recent graduates in schools where student learning outcomes are low because of the detrimental effect on the program's rating, weakening current partnerships with local education agencies and their students.

In addition, the Department offers no guidance to states on how to determine what a "satisfactory" learning outcome is, nor does the Department require reporting of the process by which the level of satisfactory learning outcome is determined. Because that assessment would directly determine which programs could be eligible for TEACH grants, this lack of transparency and clarity is unacceptable and has the potential for detrimental unintended consequences to impact programs and students seeking to join our nation's teacher workforce.

*(2) Employment outcomes. For purposes of assessing employment outcomes, a State may, in its discretion, assess traditional and alternative route teacher preparation programs differently based on whether there are differences in the programs that affect employment outcomes, provided that the varied assessments result in equivalent levels of accountability and reporting;*

The regulations mandate that four different sets of employment data be collected: placement rates, placement rates in high-need schools, retention rates, and retention rates in high-need schools. These data would be collected for teachers who had been hired in a full-time teaching position for the grade level, span, and subject area for which they were prepared (NPRM, p. 71834). The Department offers three ways to calculate retention rates over a 5-year period—creating a burden in following graduates for at least 3 but up to 5 years to determine their retention rate. The Department would not phase in the retention rates, and it is unclear how this would affect program ratings in the initial 5 years of the rating system. While employment data can be useful for teacher preparation programs, tying such data to high-stakes results without an appropriate implementation timeline is disconcerting at best.

Using teacher retention rates in this manner—with a high-stakes result for their preparation programs—is inappropriate. Teachers leave schools for multiple reasons that are not directly a result of the teacher preparation program, including life changes, lack of resources needed for effective instruction, weak school leadership, and conditions at the school that are often related directly to the level of poverty found in the community. In addition, the regulations do not support induction programs, which the profession knows to play a key role in the retention of teachers in the first years of teaching.

We also have grave concerns about assessing alternative routes differently from traditional routes. All preparation programs should be held to the same standards. Giving states the option of weighting employment outcomes differently for alternative and traditional programs generates unfair comparisons while providing the illusion of fair comparisons by using the same metrics and weighting system. In the NPRM (p. 71866), the Department discusses the need for transparency to allow for consumers to make informed decisions. Yet most consumers would not be in a position to compare and analyze the different methods for calculating employment outcomes used for different programs. Likewise, the regulations do not stipulate the method by

which states would share information with consumers to ensure a full understanding of employment outcomes of the program or the rating of the program overall.

Lastly, the Department requires that employment outcomes in high-need schools be second only to student learning outcomes in the weighting assigned to the four indicators. This incentive to place new teachers in high-need schools contradicts the ESEA requirement that states work *against* congregating new teachers in high-need schools. In addition, the Department's "Excellent Educators for All" initiative seeks to have states work to ensure that high-need schools obtain and retain more experienced teachers. States could find themselves challenged by the contradictory goals of the Department's mandated rating system and its initiatives.

*(3) Survey outcomes; and*

Many teacher preparation programs survey their graduates to inform change and innovation in their programs, but the data from these surveys are not used for high-stakes decisions. The Department is mandating the use of surveys that will include both quantitative and qualitative data on the perception of whether or not the program effectively prepared the teacher with the skills needed in the classroom (NPRM, p. 71835). Two surveys would need to be devised—one for new teachers and one for the principal or direct supervisor of the new teachers. In its cost and burden analysis (NPRM, pp. 71864-71865), the Department recommends the use of commercially available survey software while also recommending that to ensure participation in the survey the new teacher would need to verify her or his class roster. This idea raises tremendous questions about the security of student data and the sharing of identifying information with commercial entities—issues that are currently of growing concern to parents, teachers, and Congress. In fact, President Obama's recently announced privacy initiative does not seem to promote the sort of data sharing called for in this regulation.

To ensure that such surveys are valid and reliable, states would need both time and resources. The number of respondents could also prove problematic. The Department estimates a 70% response rate, which seems quite optimistic, particularly for a survey that would be administered year after year. We know that teachers and their supervisors are vastly overworked, and one more survey would be a burden. The Department has not offered alternatives should the response rate be low, nor has it recognized challenges that could unfold in relation to the analysis of qualitative data.

*(4) Whether the program—*

*(i) Is accredited by a specialized accrediting agency recognized by the Secretary for accreditation of professional teacher education programs; or*

*(ii) Consistent with §612.4(b)(3)(i)(B),—*

*(A) Produces teacher candidates with content and pedagogical knowledge;*

*(B) Produces teacher candidates with quality clinical preparation; and*

*(C) Produces teacher candidates who have met rigorous teacher candidate entry and exit qualifications.*

These regulations insert the federal government into the state approval process by mandating specific requirements that the state must consider when approving teacher preparation programs within its jurisdiction.

In addition, throughout the NPRM, the Department references the Council for the Accreditation of Educator Preparation (CAEP) and its standards as a justification for some of the indicators mandated in the proposed system. Accreditation is a process developed and run by the profession for the profession; the accrediting body establishes and enforces the standards by which the profession is judged. The power of accreditation is that it represents the consensus of best practice offered by the professional field whose programs are being accredited. Though CAEP is mentioned in the commentary, CAEP is not currently recognized by the Secretary. Neither does CAEP accredit at the program level. In fact, no accreditor provides accreditation specifically to programs, but rather to entities. Furthermore, there is concern within the higher education community that through the language and implementation of the regulations, the Department seeks to implicitly mandate national accreditation.

We are concerned about the requirements regarding rigorous entrance and exit standards. First, determination of these standards falls within the purview of institutions and states, not the federal government. Second, many institutions have unique missions that target recruitment and support for teacher candidates who may have been educated in high-poverty K-12 schools themselves. For example, many minority-serving institutions (MSIs) have missions to work with students who, for whatever reason, need supports to ensure academic success, which could include remedial course work and academic skills training. These institutions have devised such programs to ensure that their graduates are profession ready upon completion of the program, regardless of any academic challenges the students had upon entering the institution. MSIs support the critical need of ensuring diversity in the teacher workforce—and our nation's cadre of teachers has a long way to go to reflect the racial, ethnic, and cultural demographics of our students. The nebulously defined requirement of “rigorous entrance requirements” could have a detrimental effect of the work of our MSIs and on diversity in the profession.

*§612.6 What must a State consider in identifying low-performing teacher preparation programs or at-risk teacher preparation programs, and what regulatory actions must a State take with respect to those programs identified as low-performing?*

*(a)(1) In identifying low-performing or at-risk teacher preparation programs the State must use criteria that, at a minimum, include the indicators of academic content knowledge and teaching skills from §612.5, including in significant part, student learning outcomes; and*

AACTE does not believe that this mandated performance assessment rating system based on required indicators is the appropriate role of the federal government in assisting states in implementing Title II of the Higher Education Act.

### ***Subpart C—Consequences of Withdrawal of State Approval or Financial Support***

*§612.7 What are the consequences for a low-performing teacher preparation program that loses the State's approval or the State's financial support?*



*(a) Any teacher preparation program for which the State has withdrawn the State's approval or the State has terminated the State's financial support due to the State's identification of the program as a low-performing teacher preparation program—*

*(1) Is ineligible for any funding for professional development activities awarded by the Department as of the date that the State withdrew its approval or terminated its financial support;*

*(2) May not include any candidate accepted into the teacher preparation program or any candidate enrolled in the teacher preparation program who receives aid under title IV, HEA programs in the institution's teacher preparation program as of the date that the State withdrew its approval or terminated its financial support; and*

*(3) Must provide transitional support, including remedial services, if necessary, to students enrolled at the institution at the time of termination of financial support or withdrawal of approval for a period of time that is not less than the period of time a student continues in the program but no more than 150 percent of the published program length.*

*(b) Any institution administering a teacher preparation program that has lost State approval or financial support based on being identified as a low-performing teacher preparation program must—*

*(1) Notify the Secretary of its loss of the State's approval or the State's financial support due to identification as low-performing by the State within 30 days of such designation;*

*(2) Immediately notify each student who is enrolled in or accepted into the low-performing teacher preparation program and who receives title IV, HEA program funds that, commencing with the next payment period, the institution is no longer eligible to provide such funding to students enrolled in or accepted into the low-performing teacher preparation program; and*

*(3) Disclose on its Web site and in promotional materials that it makes available to prospective students that the teacher preparation program has been identified as a low-performing teacher preparation program by the State and has lost the State's approval or the State's financial support, and that students accepted or enrolled in the low-performing teacher preparation program may not receive title IV, HEA program funds.*

These requirements are new for programs and are not found in Title II of the Higher Education Act. They would further insert the federal government into the jurisdiction of the states by requiring programs to report directly to the federal government.

*§612.8 How does a low-performing teacher preparation program regain eligibility to accept or enroll students receiving Title IV, HEA program funds after loss of the State's approval or the State's financial support?*

*(a) A low-performing teacher preparation program that has lost the State's approval or the State's financial support may regain its ability to accept and enroll students who receive title IV, HEA program funds upon demonstration to the Secretary under paragraph (b) of this section of—*

*(1) Improved performance on the teacher preparation program performance criteria in §612.5 as determined by the State; and*

*(2) Reinstatement of the State's approval or the State's financial support, or, if both were lost, the State's approval and the State's financial support.*

*(b)(1) To regain eligibility to accept or enroll students receiving title IV, HEA funds in a teacher preparation program that was previously identified by the State as low-performing and that lost the State's approval or the State's financial support, the institution that offers the teacher preparation program must submit an application to the Secretary along with supporting documentation that will enable the Secretary to determine that the teacher preparation program previously identified by the State as low-performing has met the requirements under paragraph (a) of this section.*

Under current law, a program is reinstated upon demonstration of improved performance, as determined by the state (HEA Section 207(b)(4)). Paragraph (b)(1) above would move this responsibility from the state to the federal government. It is unclear what this change ultimately would mean for teacher preparation programs. The state would have already given its reinstatement of funds and recognition of improved performance, and the program would have to wait for the Secretary to fully reinstate. This is an example of federal overreach into state jurisdiction and decision making. This also has implications for Title IV of the Higher Education Act.

*(b)(2) The Secretary evaluates an institution's application to participate in the title IV, HEA programs consistent with 34 CFR 600.20 and determines if the institution is eligible to participate in these programs. In the event that an institution is not granted eligibility to participate in the title IV, HEA programs, that institution may submit additional evidence to demonstrate to the satisfaction of the Secretary that it is eligible to participate in these programs.*

AACTE sees challenges with the interpretation of this subparagraph. It appears to call into question the institution's application to participate in Title IV when a teacher preparation program is rated as low performing.

If the Secretary determines whether a teacher preparation program can accept Title IV funds after meeting conditions as established in the previous paragraph, it is unclear why the Secretary would also re-evaluate the application of the institution to participate in Title IV.

AACTE is concerned that the interpretation or implementation could mean the Department is making access to Title IV funds for an entire institution contingent on teacher preparation programs and their ratings.

### ***PART 686—Teacher Education Assistance for College and Higher Education (TEACH) Grant Program***

#### *§686.2 Definitions.*

*TEACH Grant-eligible science, technology, engineering, or mathematics (STEM) program: An eligible program, as defined in 34 CFR 668.8, in one of the physical, life, or computer sciences; technology; engineering; or mathematics as identified by the*

*Secretary, that, over the most recent three years for which data are available, has not been identified by the Secretary as having fewer than 60 percent of its TEACH Grant recipients completing at least one year of teaching that fulfills the service obligation pursuant to §686.40 within three years of completing the program. Each year, the Secretary will publish a list of STEM programs eligible to participate in the TEACH Grant program and will identify each eligible STEM program by its classification of instructional program (CIP) code.*

This provision of the regulations provides an exemption from the rating system for STEM programs that prepare teachers. No rationale is offered for this exemption. Furthermore, the Secretary would be the sole determiner of which STEM programs are eligible for TEACH grants; what criteria would be used to determine eligibility? The only criterion the Secretary is directed to use is that at least 60% of graduates complete at least 1 year of teaching toward the service obligation. Under current law and regulation, recipients of TEACH grants are required to teach for 4 out of the 8 years subsequent to program completion or face the grant amounts converting to loans. Why should the criteria for determining TEACH grant eligibility in STEM programs be lower than those for other TEACH grant-eligible institutions and programs?

The Department speaks to the need for transparency in determining what teacher preparation programs are high quality, yet this exemption with lower standards conflicts with the stated goals of its rating system; the Secretary would not rate STEM teacher preparation programs in the manner that the Department is mandating states use with all other teacher preparation programs. We believe that all teacher preparation programs, whether traditional or alternative and in whatever subject areas, be held accountable in a fair and equitable manner.

While AACTE supports the Department and our members in focusing on addressing this clear need in the teacher workforce, we cannot support privileging one type of teacher preparation program over others. There are other high-need fields, including special education and English language learners, that do not appear to receive favored treatment. Further, what would happen should workforce needs change—would STEM programs continue to be privileged?

#### ***PART IV. Discussion of Costs, Benefits, and Transfers (NPRM, pp. 71858-71884)***

AACTE was pleased to respond to the Office of Management and Budget's request for comments on the proposed information collection requirements found in the regulations. Because we feel that this information would be beneficial to both the Secretary and the Department as to the true cost and burdens that these proposed regulations will impose on multiple stakeholders involved in preparing and supporting teachers, we have attached our OMB response as Appendix B to provide our response to Part IV of the NPRM.

## **CONCLUSION**

There are problems with virtually every section of the Notice of Proposed Rule Making. Given the depth and complexity of the shortcomings of the proposal, we urge you to withdraw it and work with the profession and with Congress to strengthen Title II and develop meaningful and

valid accountability measures that will incentivize the ongoing reform work of preparation programs.

This proposal represents a major shift in higher education policy, affecting federal student financial aid, with consequences for our K-12 school systems, and as such it deserves no less than the full and public deliberation of the Congress. Both the Elementary and Secondary Education Act and the Higher Education Act will be considered by Congress this year for reauthorization. Engaging with Congress and the legislative process on the important discussion of the continued reform of teacher preparation across this country is what is called for now.

Mr. Secretary, please weigh heavily the lessons learned from relying on standardized K-12 student test results to serve purposes for which they were not designed. Those lessons need to inform a more efficacious approach to accountability for teacher preparation programs. Given the remarkable lack of capacity across the nation to implement the varied aspects of these proposed regulations, substantial unintended consequences could arise, not the least of which would be misinformation that would taint important decision making, were they to be adopted.

AACTE would be pleased to work with you, should you withdraw these proposed regulations, to develop the most effective role for the federal government to incentivize and support reform of our nation's teacher preparation programs.

Sincerely,



Sharon P. Robinson  
President and CEO

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Attachments:

- Appendix A. Selected Research on Value-Added Modeling
- Appendix B. AACTE Response to OMB, January 2015



## Appendix A: Selected Research on Value-Added Modeling

*Note: This is not a comprehensive list of value-added modeling research.*

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## Appendix B: AACTE Response to OMB, January 2015



January 2, 2015

Office of Information and Regulatory Affairs  
Office of Management and Budget  
Attention: Desk Officer for the U.S. Department of Education  
DOCKET ID ED-2014-OPE-0057

OIRA\_DOCKET@omb.eop.gov

To Whom It May Concern:

The American Association of Colleges for Teacher Education (AACTE) is a national alliance of educator preparation programs dedicated to high-quality, evidence-based preparation that assures educators are ready to teach all learners on Day 1. Its over 800 member institutions represent public and private colleges and universities in every state, the District of Columbia, the Virgin Islands, Puerto Rico, and Guam. AACTE leads the field in advocacy and capacity building by promoting innovation and effective practices as critical to reforming educator preparation.

AACTE is pleased to offer a response to the Office of Management and Budget (OMB) Office of Information and Regulatory Affairs (OIRA) on the estimated costs and burdens of the proposed regulations released for public comment in the Federal Register on December 3, 2014, via a Notice of Proposed Rulemaking (NPRM). In general, we find the analysis to vastly underestimate the development and implementation costs that states and institutions of higher education (IHEs) would incur if the regulations were to be adopted. The Department repeatedly, but erroneously, assumes that many states have much of the capacity in place to implement the proposed regulations. States' *intent* to develop data system capacity, for example, is taken to mean that such data systems have already been substantially developed. Even in states where some of the required data are available, they are not necessarily available at the level of analysis called for in the proposed rules. It should be noted that no state is currently implementing a system such as the one put forward in these regulations. The attachment of high-stakes consequences to the creation and implementation of the rating system envisioned by the Department only adds to the high level of scrutiny and data verification that states would need to employ should the regulations be adopted.

The Department's assessment that these regulations would actually reduce states' burden in multiple areas is not at all credible, as they would add substantial data collection and assessment requirements. Numerous internal inconsistencies within the cost and burden estimates also are of concern. For example, on one hand, the regulations explicitly hold that when considering alternate route programs, states may "weight indicators differently for traditional programs versus alternative route programs in assessing employment outcomes." Yet in the burden estimate section, the regulations state that "because such weighting would apply equally to each program," the reporting burden would not be affected. The estimates do not at all address potential costs and burdens associated with development of program-level national accreditation (which does not currently exist—all *national* accreditation is at the *provider* level); current state program approval processes (more common than accreditation *per se* by states) also would require revision to meet the proposed requirements. Significant increases in cost and



burden to states and professional accreditation entities in requiring either accreditation at the program level or state program approval with federally mandated metrics must be more thoroughly investigated.

Two other assumptions made by the Department in this proposal call its estimates' credibility into question. First, the proposal assumes that CAEP with its newly developed standards will be able to play a role in satisfying the proposed requirements. In fact, CAEP has yet to be recognized as an accreditor by the Secretary and does not currently appear on the docket for consideration by NACIQI, the governmental body charged with recommending accrediting entities for such recognition. Second, many of the burden estimates are made assuming that other proposals the Department has put forward to reduce Title II data collection have been adopted. They have not. Any credible cost and burden analysis must be based on existing policy and practice, not on hypothetical, even if hoped-for, future scenarios.

The overall estimate of between \$42 and 42.1 million over 10 years for the total cost of the regulations is astoundingly low. This estimate translates to approximately \$4.2 million per year divided by the 50 states, the 25,000 preparation programs, the 1,522 IHEs that offer preparation programs, the school districts that must implement new assessments for students, and the thousands of teachers and principals who would be required to fill out annual surveys.

Given the extensive nature of the proposed regulations and the significant potential impact on teacher preparation programs across the United States, AACTE urges a comprehensive, meticulous analysis by OMB of the full burden and cost of implementation of this proposal. Indeed, an assessment by an independent auditing entity may be in order.

To further inform OIRA about AACTE's areas of concern with the cost and burden estimates, we respond below section by section, sharing page numbers from the NPRM for reference. The language of the NPRM appears in italics with gray shading, and AACTE's response appears in Roman text below each excerpted section.

#### ***Institutional Report Card Reporting Requirements*** (p. 71859)

*The proposed regulations would require that beginning on October 1, 2017, and annually thereafter, each Institution of Higher Education (IHE) that conducts a traditional teacher preparation program or alternative route to State certification or licensure program and enrolls students receiving title IV HEA funds, report to the State on the quality of each of its individual teacher preparation programs using the performance evaluation system proposed in the regulations and communicating this evaluation in its Institutional Report Card (IRC). However, the Department does not reduce the current reporting requirements of the IRC, but add this additional requirement on top of what is already required by Title II of the Higher Education Act.*

*Under the current law, an IHE that administers multiple teacher preparation programs typically gathers data on each of those programs, aggregates the data, and reports the required information to the State. By contrast, the proposed regulations would require that States report on program performance at the individual program level. The Department estimates that the initial burden for each IHE to adjust its recordkeeping systems in order to report the required data separately for each of its teacher preparation programs would be 4 hours per IHE.*

The Department vastly underestimates the amount of time it would take each IHE to adjust its data systems to report on each individual program. In many cases, measures are gathered across all completers at an IHE rather than by program, so while disaggregation by program is certainly feasible, the requirement to report in this fashion, particularly for providers with large numbers of programs, will require substantial retooling of data systems. The estimate of 4 hours

per provider fails to take account of the burden on IHEs that will need to substantially redesign data collection and reporting protocols—efforts that for many will include costly work by third-party data system vendors. The increased costs incurred for the technical staff and for the hardware that could be necessary to appropriately gather and report the data in the IRC should be considered. In addition, it is expected that some IHEs across the nation would need to hire additional staff to ensure that all the data necessary to meet the above reporting requirements are fully met.

*In the most recent year for which data are available, 1,522 IHEs submitted IRCs to the Department, for an initial estimated cost of \$153,540. The Department further estimates that each of the 1,522 IHEs would need to spend 78 hours to collect the data elements required for the IRC for its teacher preparation programs, for an annual cumulative cost of \$2,944,020. We estimate that entering the required information into the information collection instrument would require 13.65 hours per entity, for a total cost of \$523,950 to the 1,522 IHEs.*

The Department's estimate of 78 hours to gather all of the data necessary to ensure compliance with the new performance assessment rating system is unrealistic given the required surveys, gathering of student learning outcomes, employment data, and accreditation or program approval with mandated metrics. Data collection would have to be completed annually and would be in addition to the current data requirements of Title II. AACTE recommends that OMB examine this estimate closely and with meticulous care in relation to the full implications for IHEs as well as the states. We urge OMB to give careful attention to the responses from individual institutions and preparation programs as they examine the full local cost and burden of these proposed regulations.

*The proposed regulations would also require that each IHE provide the information reported on the IRC to the general public by prominently and promptly posting the IRC on the IHE's Web site and, if applicable, on the teacher preparation portion of the Web site. We estimate that each IHE would require 30 minutes to post the IRC for an annual cumulative cost of \$19,190.*

This estimate by the Department grossly underestimates the amount of time that it takes to ensure that information is appropriately posted on a website. Such posting is most often the work of multiple staff persons, not a single individual, and site-specific challenges to posting information would vary considerably. In addition, such reporting would be in addition to public reporting requirements of accrediting bodies and states, necessitating integration of multiple reports at additional staff time and expense.

*The estimated total annual cost to IHEs to meet the proposed requirements concerning IRCs would be \$3,670,600.*

Given the previous statements, the Department's estimates are far below actual costs and burden that would be demanded by the proposed regulations.

### ***State Report Card Reporting Requirements (p. 71859)***

*The proposed regulations include an expansion of the already required State Report Card. The Department estimates that the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, and the Freely Associated States, which include the Republic of the*

*Marshall Islands, the Federated States of Micronesia, and Republic of Palau would each need 235 hours to report the data required under the SRC, for an annual cumulative cost of \$349,680.*

*The Department proposes in § 612.4(a)(2) of these regulations to require that States post the SRC on the State's Web site.*

*Because all States already have at least one Web site in operation, we estimate that posting the SRC on an existing Web site would require no more than half an hour at a cost of \$25.22 per hour with the total annual estimated cost of meeting this requirement would be \$740.*

Again, this estimate does not take into account the amount of time and potential number of staff persons involved in preparing and posting information, including the challenges associated with creating web-ready materials and information for posting. We encourage OMB to attend carefully to responses by states and other jurisdictions regarding this estimate, particularly with regard to the additional investments in personnel, hardware, and web design alterations required to implement this requirement.

#### ***Reporting of Information on Teacher Preparation Program Performance (pp. 71859-71860)***

*Under proposed § 612.4(b)(1), a State would be required to make meaningful differentiations in teacher preparation program performance using at least four performance levels—low-performing teacher preparation program, at-risk teacher preparation program, effective teacher preparation program, and exceptional teacher preparation program—based on the indicators in § 612.5, including, in significant part, employment outcomes for high-need schools and student learning outcomes. Proposed § 612.4(b)(1) would also require that no teacher preparation program is deemed effective or higher unless it has satisfactory or higher student learning outcomes. Because States would have the discretion to determine the meaning of “significant” and “satisfactory,” the Department assumes that States would consult with early adopter States or researchers to determine best practices for making such determinations and whether an underlying qualitative basis should exist for these terms. The Department estimates that State higher education authorities responsible for making State-level classifications of teacher preparation programs would require at least 35 hours to discuss methods for ensuring that meaningful differentiations are made in their classifications and defining “significant” and “satisfactory.” To estimate the cost per State, we assume that the State employee or employees would likely be in a managerial position (with national average hourly earnings of \$44.42), for a total one-time cost for the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico of \$80,840.*

The Department recognizes that in this estimate assumptions are being made, including that all states building out this new performance assessment rating system would reach out to early adopters and that the early adopters would be available to consult with each state working to develop such measures. However, the Department fails to account for the staff time required for such consultation and the added burden on the state(s) offering such consultation.

In addition, the Department grossly underestimates the amount of time required for adequate discussion of methods for ensuring that meaningful differentiations are made in their classifications of *significant* and *satisfactory*. This determination should be made once the required metrics and their measures, including the surveys, are determined to be valid and

reliable, and should be revisited as necessary to ensure that the state is appropriately setting its standards. None of these considerations are included by the Department in its estimate.

The cost estimate also assumes that a single state employee would work on this assignment for 35 hours, while the discussion of process above indicates that the staff person would most likely not work alone and would discuss the assignment with various higher education officials in the state—but does not include the time of the officials in its estimate. The cost is clearly underestimated and we recommend that OMB examine this cost in greater depth.

### ***Fair and Equitable Methods*** (p. 71860)

*Under § 612.4(c)(1), the proposed regulations would require States to consult with a representative group of stakeholders to determine the procedures for assessing and reporting the performance of each teacher preparation program in the State. Since the proposed regulations would not prescribe any particular methods or activities, we expect that States would vary considerably in how they implement these requirements, depending on their population and geography and any applicable State laws concerning public meetings.*

*In order to estimate the cost of implementing these requirements, we assume that the average State would need to convene at least three meetings with at least the following representatives from required categories of stakeholders: One administrator or faculty member from a traditional teacher preparation program, one administrator or faculty member from an alternative route teacher preparation program, one student from a traditional or alternative route teacher preparation program, one teacher or other instructional staff, one superintendent, one school board member, one student in elementary or secondary school and one of his or her parents, one administrator or faculty member from an IHE that serves high percentages of low-income or minority students, one representative of the interests of students who are English language learners, one representative of the interests of students with disabilities, and one official from the State's standards board or other appropriate standards body. Based on these participants, we estimate that meeting the stakeholder consultation requirements through meetings would have a cumulative cost of \$334,860 for the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.*

Given the extensive importance of the work of the gathered stakeholders, most states would gather more than the bare minimum required participants as dictated through the proposed regulations. In addition, the estimate does not account for any travel time incurred by the participants as well as travel costs that would be incurred by the state to gather such a group together. Furthermore, stakeholder consultation would also determine state-level rewards and consequences, the weighting of the indicators (students learning outcomes, employment results, surveys, and accreditation or program approval), as well as the process by which a program could appeal its performance rating. These tasks combined would clearly require substantially more than three meetings—meetings that would likely extend over several days, and that would become to one degree or another recurring annual or biennial commitments. Here again, the estimate is unrealistically minimalist; we urge OMB to attend to specific state and IHE responses to this estimate, and to itself further explore the potential incurred costs required to implement these regulations.

### **Tested Grades and Subjects (p. 71861)**

*The proposed regulations require that the state acquire student growth data for each new teacher from all teacher preparation programs in the state. Student growth is defined in the proposed regulations as the change in student achievement in tested grades and subjects and the change in student achievement in non-tested grades and subjects for an individual student between two or more points in time. To calculate student growth for grades and subjects in which assessments are required under section 1111(b)(3) of the Elementary and Secondary Education Act (ESEA), States must use students' scores on the State's assessments under section 1111(b)(3) of the ESEA and may include other measures of student learning, provided they are rigorous, comparable across schools, and consistent with State guidelines.*

*In order to receive a portion of the \$48.6 billion in grant funds awarded under the State Fiscal Stabilization Fund (SFSF) enacted under the American Recovery and Reinvestment Act of 2009, each State was required to provide several assurances to demonstrate its progress in advancing reforms in critical areas, including an assurance that it provides teachers of reading/language arts and mathematics in grades in which the State administers assessments in those subjects with student growth data on their current students. Because all States have provided this assurance, we assume that the States would not need to incur any additional costs to measure student growth for these grades and subjects...*

The Department is basing its estimate on assurances of states. By definition, an assurance is “a positive declaration intended to give confidence; a promise.” An assurance does not mean that an activity has been accomplished. The Department’s assumptions lead to the estimate that states would incur no additional costs to measure student growth for tested grades and subjects. These estimates are inaccurate and too low.

### **Non-tested Grades and Subjects (pp. 71861-71862)**

*As of June 23, 2014, the Secretary has approved requests by 42 States, the District of Columbia, and the Commonwealth of Puerto Rico for flexibility regarding specific requirements of NCLB in exchange for rigorous and comprehensive State-developed plans designed to improve educational outcomes for all students, close achievement gaps, increase equity, and improve the quality of instruction, and the Department continues to work with another three States pursuing similar flexibility agreements. In its request for flexibility, each State has committed to implementing statewide comprehensive teacher evaluations and been required to demonstrate how the State would evaluate teachers in all grades and subjects, both tested and non-tested. Given this, and because the definition of a teacher evaluation measure in the proposed regulations aligns with the requirements for ESEA flexibility, the States that have been granted ESEA flexibility should not incur additional costs to measure student growth in non-tested grades and subjects because these States would be able to use the percentage of new teachers in these grades and subjects who are rated at each performance level to report student learning outcomes.*

*To estimate the cost of measuring student growth for teachers in non-tested grades and subjects in the eight States that have not been approved for ESEA flexibility, we need to estimate the number of new teachers in these States. We first determined, using NCES data from the 2011-2012 school year, that there are approximately 36,305 teachers in these States*

who appear to meet the proposed definition of new teachers because they have fewer than four years of classroom teaching experience.

The following estimate assumes that these States have no existing State or district-level structures in place to assess student learning outcomes. Based on the specific steps required in the Rhode Island guidance, we estimate that, for the average teacher, developing and measuring progress against student learning objectives would require 6.85 hours of the teacher's time and 5.05 hours of an evaluator's time.

If the remaining State opted to use a framework similar to the guidance provided by Rhode Island, we estimate that the cost to this State of developing and measuring against student learning objectives for an estimated 31,676 teachers would be \$16,079,390. This estimate is based on an estimated 6.85 hours for teachers at the national average hourly wage of \$38.96 for public elementary and secondary teachers and a 5.05 hours for evaluators at a derived estimated hourly wage of \$45.00, which assumes that the evaluator would be a more experienced teacher serving as an academic coach.

Developing and implementing requirements to assess every student in every non-tested grade and subject every year would be a significant expansion of policy representing a significant effort on the part of states, districts, and teachers. States that are currently implementing this policy are still in the early phases of determining efficacy and effectiveness of a range of approaches. In addition, if a state opts to use teacher evaluation as the measure of student learning outcomes, the entire teacher evaluation system for the state would need to be revamped. AACTE believes this cost estimate is low. Furthermore, one wonders what teachers would have to stop doing in order to carry out this mandate. In addition, the estimate takes no account of the additional data collection, verification, data management, analysis, and reporting costs that would be incurred by the eight states. Thus, full estimates of the disparate impact on these states are not included.

### ***Linking Student Learning Outcomes to Teacher Preparation Programs (pp. 71862-71863)***

Whether using student scores on State assessments, teacher evaluation ratings, or other measures of student growth, under the proposed regulations States must link the student learning outcomes data back to the teacher, and then back to that teacher's preparation program. The costs to States to comply with this requirement will depend, in part, on the data and linkages in their statewide longitudinal data system. Through the Statewide Longitudinal Data Systems (SLDS) program, the Department has awarded \$575.7 million in grants to support data systems that, among other things, allow States to link student achievement data to individual teachers and to postsecondary education systems. Forty-seven States, the District of Columbia, and the Commonwealth of Puerto Rico have already received at least one grant under this program to support the development of these data systems, so we expect the cost to these States of linking student learning outcomes to teacher preparation programs would be lower than for the remaining States.

According to information from the SLDS program in June 2014, nine States currently link K-12 teacher data including data on both teacher/administrator evaluations and teacher preparation programs to K-12 student data. An additional 11 States and the District of Columbia are currently in the process of establishing this linkage, and ten States and the Commonwealth of Puerto Rico have plans to add this linkage to their systems in the during their SLDS grant.

*Based on this information, it appears that 30 States, the Commonwealth of Puerto Rico, and the District of Columbia either already have the ability to aggregate data on student achievement of students taught by program graduates and link those data back to teacher preparation programs or have committed to doing so; therefore, we do not estimate any additional costs for these States to comply with this aspect of the proposed regulations.*

AACTE urges OMB to deeply explore the true state of affairs of each state participating in the Statewide Longitudinal Data Systems. The Department states that only nine states in the country currently link K-12 teacher data to K-12 student data after spending nearly half a billion dollars to develop these systems. Some of these data systems that are in place would need to be altered, as they do not provide the level of specificity of data required by the Department's proposal.

For example, many systems link teacher data to the *provider* but do not facilitate connection to the *program*—and the cost or retrofitting existing state data systems to allow for the proposed level of reporting should not be ignored. The Department's highly optimistic estimate of no additional costs to 30 states as well as the District of Columbia and the Commonwealth of Puerto Rico is incorrect at best, based on commitment and assurances. Furthermore, the Department has yet to include the cost of linking these data with the teacher preparation program.

*For States in which data on teacher preparation programs are housed within different or even multiple different postsecondary data systems that are not currently linked to data systems for elementary through secondary education students and teachers, experts consulted by the Department suggested that a reasonable estimate of the cost of additional staff or vendor time to link and analyze the data would be \$250,000 per State.*

It is unclear if this is a reasonable estimate or not because the Department does not share the data from the consultants. However, given the enormity of the task of linking so many disparate data systems as described by the Department, this is yet another area of concern and for OMB scrutiny.

*For States that already have data systems that include data from elementary to postsecondary education levels, we estimate that the cost of additional staff or vendor time to analyze the data would be \$100,000.*

We urge caution due to the fact that data systems' inclusion of new data may generate new costs related to connecting these disparate data systems. In addition, ensuring that the hardware and software communicate with ease is a challenge at best, requiring time and money to solve unexpected problems and to overcome unintended consequences.

*Since we do not know enough about the data systems in the remaining 37 States and the Commonwealth of Puerto Rico to determine whether they are likely to incur the higher or lower estimate of costs, we averaged the higher and lower figure.*

This statement is puzzling. The Department previously stated that there would be no additional cost for nearly 30 states and DC and Puerto Rico, based on assurances and commitments on the reliability of each SLDS, yet the above sentence states that the Department does not know

enough about the data systems in 38 locations to accurately estimate the cost of implementing this requirement of the proposed regulations.

*Accordingly we estimate that the remaining 20 States will need to incur an average cost of \$175,000 to develop models to calculate growth for students taught by individual teachers and then link these data to teacher preparation programs for a total cost of \$3,500,000.*

This estimate appears to refer back to the estimate of no cost for 30 states plus DC and Puerto Rico, now addressing the remaining 20 states. What, then, of the 37 states for which the Department cannot make an accurate estimate above? The numbers don't add up. In addition, the average cost estimated here to link the data back to teacher preparation programs is low.

### **Employment Outcomes (p. 71863)**

*The Department proposes to require States to report employment outcomes, including data on both the teacher placement rate and the teacher retention rate and on the effectiveness of a teacher preparation program in preparing, placing, and supporting new teachers consistent with local educational needs. We have limited information on the extent to which States currently collect and maintain data on placement and retention for individual teachers. Data from the SLDS program indicate that 24 States currently can link data on individual teachers with their teacher preparation programs, including information on their current certification status and placement. In addition, seven States are currently in the process of making these links, and ten States plan to add this capacity to their data systems, but have not yet established the link and process for doing so. Because these States would also maintain information on the certification status and year of certification of individual teachers, we assume they would already be able to calculate the teacher placement and retention rates for new teachers but may incur additional costs to identify recent graduates who are not employed in a full-time teaching position within the State. It should be possible to do this at minimal cost by matching rosters of recent graduates from teacher preparation programs against teachers employed in full-time teaching positions who received their initial certification within the last three years. Additionally, because States already maintain the necessary information in State databases to identify schools as "high-need," we do not believe there would be any appreciable additional cost associated with adding "high-need" flags to any accounting of teacher retention or placement rates in the State.*

In the above discussion, the Department makes assumptions around 17 states working to make the SLDS include information and link data on individual teachers with their teacher preparation programs, as well as including certification status and placement. These assumptions include that states "plan to add this capacity...but have not yet established this link and process for doing so." The Department also assumes that regardless of the fact that 10 states cannot do this at all, 41 states will be able to calculate the proposed mandate of placement and retention rates at minimal cost – including the required placement and retention rates for high-need schools.

The Department's proposal would require states to follow new teachers for 5 years in order to determine how many have taught for at least 3 out of the 5 years subsequent to their initial certification. This means that states would be following five cohorts at a time from every preparation program in the state. States are not required to follow recent graduates of preparation programs who teach out of state, teach in private schools, or enter graduate school



or the military. Therefore, states must have some way of determining the status of graduates who completed preparation programs in the state, but would not be counted as new teachers. For example, how would a state know if a graduate is teaching in another state or not teaching at all? How would a state know if a recent graduate is pursuing graduate school in another state? Likewise, states would need to link data systems related to military service. These considerations are not a part of the Department's calculations. OMB should scrutinize this estimate and determine what the actual costs would be based on data and a full consideration of the details of the proposed regulation, not based on assumptions.

*The remaining 11 States may need to collect additional information from teacher preparation programs and LEAs because they do not appear to be able to link information on the employment, certification, and teacher preparation program for individual teachers. If it is not possible to establish this link using existing data systems, States may need to obtain some or all of this information from teacher preparation programs or from the teachers themselves. For each of these 11 States, the Department estimates that 150 hours may be required at the State level to collect information about new teachers employed in full-time teaching positions (including designing the data request instruments, disseminating them, providing training or other technical assistance on completing the instruments, collecting the data, and checking their accuracy), and a total estimated cost to the eleven States of \$83,190, based on the national average hourly wage for education administrators of \$50.42.*

This estimate notes that for 11 states, every teacher preparation program in the state could be required to provide data about the employment, retention, and certification for each of their graduates, following them for 5 years per cohort. Yet no estimate is provided for the cost the IHE would incur. Only the state cost is considered, and that estimate fails to account for the number of staff required to comply with the proposed requirement and therefore also fails to provide a reasonable cost assessment. Costs for integrating new data into the SLDS, ensuring compatibility or integration into the SLDS, are not included. Likewise, additional staff's time (programmer, website manager, technical support staff) are not accounted for in this cost estimate. AACTE urges OMB to examine this cost estimate for further information on the actual cost of implementing these proposed regulations.

#### **Survey Outcomes (pp. 71863-71865)**

*The Department also proposes to require States to report—again disaggregated for each teacher preparation program—qualitative and quantitative data from surveys of new teachers and their employers in order to capture their perceptions of whether new teachers who were prepared at a teacher preparation program in that State possess the skills needed to succeed in the classroom. The design and implementation of these surveys would be determined by the State, but we provide the following estimates of costs associated with possible options for meeting this requirement.*

*Some States and IHEs currently survey graduates or recent graduates of teacher preparation programs. Because the researchers we consulted stressed that teachers and their employers are unlikely to respond to a survey that requires more than 30 minutes to complete, we assume that the surveys would not exceed this length.*

*Based on our consultation with experts and previous experience conducting surveys of teachers through evaluations of Department programs or policies, we estimate that it would cost the*

*average State approximately \$25,000 to develop the survey instruments, including instructions for the survey recipients, for a total cost to the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico of \$1,300,000.*

Given the shared expert advice that these surveys must take into account the challenge of respondents participating only if the survey takes 30 minutes or less, the above estimate is low. The questions that are developed would have to be designed to retrieve information that would truly inform teacher preparation programs on the profession-ready status of their graduates. Pilots would have to be conducted to determine validity and reliability. Time and effort, which translate into cost, would have to be expended.

In addition, the Department counts only one instrument as being developed. To ensure that the survey results are of use to teacher preparation programs, time and effort would have to be expended to develop separate surveys for the new teachers and for the principals or supervisors. To meet the proposed regulations requirement of soliciting views of both new teachers' and their employers' perceptions of new teachers' readiness in a range of areas of practice would require more time and effort in instrument development, piloting, revision, and validation than is recognized in the estimate.

*As such, we believe that the \$75 per respondent estimate may actually provide an extreme upper bound and may dramatically over-estimate the costs associated with administering any such survey. For example, several prominent online survey companies offer survey hosting services for as little as \$300 per year for unlimited questions and unlimited respondents. Using that total cost, and assuming surveys administered and hosted by the State and using the number of program graduates in 2013, the cost per respondent would range from \$0.02 to \$21.43, with an average cost per State of \$0.97.*

The Department provides estimates of online survey companies offering hosting services as a low-cost, effective mechanism for state surveys. Such an arrangement should be considered with great caution, as privacy laws are paramount in data sharing, particularly considering that some new teachers who are enrolled in alternate route programs will also be enrolled in higher education and thus be protected by student privacy laws. Concern regarding states' holding confidential information is a factor. In addition, this estimate does not consider the necessary software development or the potential hardware purchases required to design, distribute, and protect the survey data. This estimate also does not fully take into account the staff time necessary to complete this portion of the proposed mandated rating system indicator collection. In addition, this estimate does not appear to take into account the staff time (programmers and others) to integrate the survey results into existing data systems.

*For example, States may be able to provide teachers with a mechanism, such as an online portal, to both verify their class rosters and complete the survey.*

Again, AACTE raises concerns around data privacy and security; the sharing of class rosters with the state is of concern.

*Because teachers would be motivated to ensure that they were not evaluated based on the performance of students they did not teach, requiring new teachers to complete the survey in order to access their class rosters would increase the response rate for the survey and allow*

*new teachers to select their teacher preparation program from a pull-down menu, reducing the amount of time required to link the survey results to particular programs.*

The certification of the accuracy of the data in the SLDS or the system developed by a state to meet this mandated requirement of the proposed regulations should not be left solely in the hands of the new teachers. At a minimum, as with licensure testing data, verification of the link between new teachers and their preparation program will be necessary at the provider level (the fact that teachers may have enrolled in more than one IHE for initial and subsequent preparation renders such verification essential to accuracy). Administrators need to be involved and their time considered. In addition, it would again be important to consider FERPA and other student privacy protections as the necessary data systems are developed to implement these proposed regulations.

*We believe that, as States incorporate these surveys into other structures, data collection costs will dramatically decline towards the lower bounds noted above.*

While the Department believes the cost will drop over time, the Department does not consider routine revisions and updates to surveys as well as ongoing costs states may incur in addressing issues that arise, such as low response rates.

*Given the cost savings associated with online administration of surveys and the likelihood that States will fold these surveys into existing structures, we believe that many of these costs are likely over-estimates of the actual costs that States will bear in administering these surveys. However, for purposes of estimating costs in this context, we use a rate of \$30.33 per respondent, which represents a cost per respondent at the 85th percentile of the CSCS administration and well above the maximum administration cost for popular consumer survey software. Using this estimate, we estimate that, if States surveyed a combined sample of 203,701 teachers and an equivalent number of employers, the cumulative cost to the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico of administering the survey of \$8,649,540.*

The Department here assumes a 70% response rate to the surveys, yet previously was offering suggestions on how to achieve an even higher response rate. The Department also assumes here that the cost would be lower due to the lower administration costs of popular consumer survey software, but—as stated previously—states would most likely have to do this work in-house because of concerns around privacy, protection of students' data, and integration into the SLDS for ease of implementing the proposed regulations.

*If States surveyed all teacher preparation program graduates and their employers, assuming that both the teacher and employer surveys would take no more than 30 minutes to complete, that the employers are likely to be principals or district administrators, and a response rate of 70 percent of teachers and employers surveyed, the total estimated burden for 203,701 teachers and their 203,701 employers of completing the surveys would be \$2,918,120 and \$3,594,720 respectively, based on the national average hourly wage of \$40.93 and \$50.42 for elementary and secondary public school teachers and elementary and secondary school level administrators. These costs would vary depending on the extent to which a State determines that it can measure these outcomes based on a sample of new teachers and their employers. This may depend on the distribution of new teachers prepared by teacher preparation programs throughout the LEAs and schools within each State and also on whether or not some of this*

*information is available from existing sources such as surveys of recent graduates conducted by teacher preparation programs as part of their accreditation process.*

Here the Department cites \$40.93 as the national average hourly wage for elementary and secondary public school teachers. Earlier in the NPRM, however, the Department cites \$38.96 as the national average hourly wage for public elementary and secondary teachers. Such internal inconsistencies in the cost estimates signal that the Department has been less than meticulous in its analysis. As found throughout the NPRM, the assumptions made here result in unrealistic estimates of the cost of implementing the proposed regulations.

#### ***Assurance of Accreditation (p. 71865)***

*Under proposed § 612.5(a)(4) States would be required to assure that each teacher preparation program in the State either: (a) Is accredited by a specialized accrediting agency recognized by the Secretary for accreditation of professional teacher education programs or (b) provides teacher candidates with content and pedagogical knowledge and quality clinical preparation, and has rigorous teacher candidate entry and exit standards. As discussed in greater detail in the Paperwork Reduction Act section of this notice, we estimate that the total cost to the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico of providing these assurances for the estimated 13,404 teacher preparation programs nationwide for which States have already determined are accredited based on previous Title II reporting submissions would be \$676,100, assuming that 2 hours were required per teacher preparation program and using an estimated hourly wage of \$25.22.*

Using the Department's own definitions from the NPRM, no specialized accrediting agency recognized by the Department currently accredits *by program*; all specialized accreditation is at the level of the teacher preparation provider, or "entity." The estimates do not clarify what role national specialized accreditation by the Teacher Education Accreditation Council (TEAC), the National Council for Accreditation of Teacher Education (NCATE), or the Montessori Accreditation Council for Teacher Education (the three specialized accrediting agencies in education recognized by the Secretary) would play at the *program* level, and at what cost. (One should consider that no program-level accreditation is provided by the recently formed Council for the Accreditation of Educator Preparation (CAEP), which is not currently recognized by the Secretary or in the active queue with NACIQI.)

The Department also fails to discuss the costs incurred by the remaining 11,596 programs that are not housed in IHEs with accredited teacher preparation entities. In addition, the Title II data reflect accreditation of entities (each housing, on average, 15 programs), not programs themselves. However, the proposed regulations would require that each program – of which there are 25,000 in the United States – be accredited or reach state approval that meets requirements established in the proposed regulations. Of course, accreditation and/or program approval status may change year by year, so this determination would need to be monitored.

States cannot assume that because an institution is accredited, each of the *programs* in the institution will be accredited – especially if the new performance assessment rating system proposed in the regulations were to become part of the accreditation process. Therefore, a new system and changes to the current accreditation processes would need to be analyzed to determine their potential cost. Furthermore, at this time, CAEP is not recognized by the Secretary to stand as the accreditor of teacher preparation – and thus NCATE and TEAC,

should they choose to adjust their operations to accredit programs rather than institutions, would incur an expensive and time-consuming task.

The Department's cost and burden analysis appears to assume that the cost of *provider* accreditation can simply be divided by the number of *programs* included in those providers to provide an estimate; this approach does not take into account the fact that generating individual program-level analyses and reports would exceed the cost of provider-level reporting. We recommend that this particular aspect of the proposed regulations receive meticulous attention by OMB.

In addition, there is no consideration of the cost of becoming accredited in the cost estimate presented by the Department, nor an estimate of the cost to the state to create an evaluation tool to ensure that an unaccredited teacher preparation program meets the program approval requirements established in the proposed regulations. Over 11,500 programs are in IHEs that are not currently accredited.

***Annual Reporting Requirements Related to State Report Card (p. 71865)***

*As discussed in greater detail in the Paperwork Reduction Act section of this notice, proposed § 612.4 includes several requirements for which States must annually report on the SRC. Using an estimated hourly wage of \$25.22, we estimate that the total cost for the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico to report the following required information in the SRC would be: Classifications of teacher preparation programs (\$315,250, based on 0.5 hours per 25,000 programs);*

This estimate is unrealistic based on the likelihood that it would take longer than 30 minutes to classify a teacher preparation program. Given the consequences of these classifications, it is more likely the case that multiple individuals at the state level will review initial classifications for accuracy, and that, in at least some cases, additional consultations to verify accuracy will be required.

*assurances of accreditation (\$84,510, based on 0.25 hours per 13,404 programs);*

As previously discussed, to ensure compliance with the proposed regulations, accreditation would have to shift from accrediting the IHE to accrediting each teacher preparation program at each IHE. The average number of teacher preparation programs at an institution preparing teachers is 15.

*State's weighting of the different indicators in § 612.5 (\$330 annually, based on 0.25 hours per State);*

This estimate does not take into account any meetings required to determine the weighting or the time necessary to create the program to calculate the weighting for each program and to troubleshoot the software – and the salaries and potential hardware costs that could be incurred.

*State-level rewards and consequences associated with the designated performance levels (\$660 in the first year and \$130 thereafter, based on 0.5 hours per State in the first year and 0.1 hours per State in subsequent years);*

This estimate does not take into account the cost that states would incur to implement the rewards and consequences, including staff time for evaluations and interpretations of the rewards and consequences toward reform or status quo. In addition, rewards are often financial in nature, and states are operating under extremely tight fiscal environments. Also, if states were to alter their rewards and consequences, the development of new schemes could be time consuming.

*method of program aggregation (\$130 annually, based on 0.1 hours per State);*

This cost would vary from year to year but grossly underestimates the number of programs that would need alternative methods of aggregation due to the definitions both of aggregation thresholds and of *new teacher* created by the Department. In addition, the method of aggregation might be different based on each individual program in the state depending on the workforce needs of the state over time. Furthermore, this figure underestimates the amount of staff time needed to meet the requirement.

*process for challenging data and program classification (\$3,930 in the first year and \$1,510 thereafter, based on 3 hours per State in the first year and 6 hours for 10 States in subsequent years);*

It is unclear why the Department assumes that the amount of time and energy spent on the appeals process would drop after the first year of implementation of the proposed regulations. While the Department assumes that only 10 states will see any sort of challenge, this number is likely to be considerably higher given the high-stakes consequences for programs of the proposed rating system. Programs may have ample grounds to challenge the ratings, particularly given repeated cautions from researchers about the use of value-added scores in teacher evaluation systems and for high-stakes decision making. Data efficacy is also likely to be challenged, as following multiple cohorts of program graduates over multiple 5-year cycles would be a heavy lift for virtually every state. One should expect programs to be willing to defend themselves through this appeals process. We also expect that the Department has underestimated the amount of staff time and the number of staff needed for this appeals process from the onset of implementation.

*examination of data collection quality (\$6,950, based on 5.3 hours per State annually);*

Given the vast amount of data that will be required to be transferred from K-12 to IHEs, it is expected that a high rate of scrutiny would be required to verify the accuracy of the data. In addition, the inputting or integrating of data from employer and new teacher surveys into the SLDS or other state system to comply with the proposed regulations would also require a high level of scrutiny. The same would be expected for the employment data. Of particular import would be the accreditation data, as the accreditors would be required to transition from a focus on IHEs to the 25,000 individual teacher preparation programs across the country. Given the high stakes results of these new ratings, it is expected that states would invest substantial time in ensuring the accuracy of data to reduce the number of potential appeals.

*recordkeeping and publishing related to appeal decisions (\$6,950 annually, based on 5.3 hours per State).*

As previously discussed in this response, the estimate is grossly low.

*The sum of these annual reporting costs would be \$420,220 for the first year and \$419,690 in subsequent years, based on a cumulative burden hours of 16,662 hours in the first year and 16,642 hours in subsequent years.*

Given the previous discussion of each piece of this estimate and how low each appears to be, we urge OMB to fully examine and evaluate the costs for each component of this cost and burden analysis for the implementation of the proposed regulations.

*Under proposed § 612.5, States would also incur burden to enter the required aggregated information on student learning, employment, and survey outcomes into the information collection instrument for each teacher preparation program. Using the estimated hourly wage rate of \$25.22, we estimate the following cumulative costs to the 50 States, the District of Columbia, and Puerto Rico to report on 25,000 teacher preparation programs: Annual reporting on student learning outcomes (\$1,576,250 annually, based on 2.5 hours per program);*

The Department assumes here that the systems necessary to share data on student learning outcomes between K-12 and higher education exist and are fully functional in each state, yet the Department itself states previously in the NPRM that only nine states at this time can share information on student learning outcomes and link it back to the teacher's preparation program.

*and annual reporting of employment outcomes (\$2,206,750 annually, based on 3.5 hours per program);*

The Department is assuming that a system is already in place to track graduates into their new positions, and thus the implementation of this requirement would take only 3.5 hours. This is a significant underestimate.

*and annual reporting of survey outcomes (\$630,500 annually, based on 1 hour per program).*

This estimate is also low; it assumes again that there are no challenges involved in securing responses to surveys and appropriately and seamlessly integrating the data into the SLDS or another data system designed to implement these proposed regulations.

*Our estimate of the total annual cost of reporting these outcome measures on the SRC related to proposed § 612.5 is \$4,413,500, based on 175,000 hours.*

Based on the previously stated concerns with the Department's numbers, these cost and burden estimates are too low. We urge OMB to further analyze the impact and burdens to the states and IHEs to fully understand the true cost of the proposed regulations.

### **Net Budget Impacts (p. 71869)**

The proposed regulations related to the implementation of the TEACH Grant program are estimated to have a net budget impact of \$0.67 million in cost reduction over the 2014 to 2024 loan cohorts.

As discussed in the Analysis of the Effect of the Proposed Regulations on TEACH Grants section of this notice, the proposed regulations could result in a reduction in TEACH Grant volume. Under the effective dates and data collection schedule in the proposed regulations, that reduction in volume would start with the 2020 TEACH Grant cohort. The Department assumes that the effect of the proposed regulations would be greatest in the first years they were in effect as the low-performing and at-risk programs are identified, removed from TEACH Grant eligibility, and helped to improve or replaced by better performing programs. Therefore, the percent of volume estimated to be at programs in the low-performing or at-risk categories is assumed to drop for future cohorts. As shown in Table 3, the net budget impact over the 2014-2024 TEACH Grant cohorts is approximately \$0.67 million in reduced costs.

The Department offers assumptions but no data in determining this estimate.

### **Start-Up Burden: Entity-Level and Program-Level Reporting (pp. 71872-71873)**

Under the current IRC, IHEs typically report at the entity level rather than the program level.

As a consequence, IHEs would not be required to alter appreciably their systems for data collection. However, the Department acknowledges that in order to communicate disaggregated data, minimal recordkeeping adjustments may be necessary. The Department estimates that initial burden for each IHE to adjust its recordkeeping systems would be 4 hours per entity. In the most recent year for which data are available, 1,522 IHEs reported required data to the Department through the IRC. Therefore, the Department estimates that the one-time total burden for IHEs to adjust recordkeeping systems would be 6,088 hours (1,522 IHEs multiplied by 4 burden hours per IHE).

As previously discussed, the estimated burden by the Department to alter the data systems is too low. Time and energy would need to be expended to ensure that the data are recorded and integrated properly into a larger data system (perhaps not yet created) to fully implement these proposed regulations.

### **Subtotal of Start-Up Burden Under § 612.3 (p. 71874)**

The Department believes that IHEs' experience during prior Title II reporting cycles has provided sufficient knowledge to ensure that IHEs will not incur any significant start-up burden, except for the change from entity-level to program-level reporting described above. Therefore, the subtotal of start-up burden for § 612.3 is 6,088 hours.

The Department should expect that there will be challenges translating from aggregated data to disaggregated data to be reported on each teacher preparation program at an entity and to incorporate new data elements into the systems. In addition, the Department should consider that this change would also need to be integrated into the larger system to produce a performance assessment rating – and that rather than having disparate data systems, the IHE



may choose to integrate this data into a larger system being crafted to fulfill the requirements of these proposed regulation, with far greater burden than estimated here.

***Total Institutional Report Card Burden (p. 71874)***

*Aggregating the start-up and annual burdens calculated under the preceding sections results in the following burdens: Together, all IHEs would incur a total start-up burden under § 612.3 of 6,088 hours and a total annual reporting burden under § 612.3 of 140,252 hours. This would constitute a total burden of 146,340 total burden hours under § 612.3 nationwide.*

*The burden estimate for the existing IRC approved under OMB control number 1840-0744 was 146 hours for each IHE with a teacher preparation program. When the current IRC was established, the Department estimated that 1,250 IHEs would provide information using the electronic submission of the form for a total burden of 182,500 hours for all IHEs (1,250 IHEs multiplied by 146 hours). Applying these estimates to the current number of IHEs that are required to report (1,522) would constitute a burden of 222,212 hours (1,522 IHEs multiplied by 146 hours). Based on these estimates, the revised IRC would constitute a net burden reduction of 75,872 hours nationwide (222,212 hours minus 146,340 hours*

The Department is incorrect here: With additional data requirements, the reporting burden would increase, not decrease. The Institutional Report Card is legislatively mandated with specific data collection requirements. We urge OMB to look closely at this particular assumption and assessment, as it is misleading and incorrect.

***Start Up and Annual Burden Under § 612.4(A) (pp. 71874-71875)***

*Section 612.4(a) would codify State reporting requirements*

*The SRC currently in use, approved under OMB control number 1840-0744, collects information on these elements. States have been successfully reporting information under this collection for many years. The burden estimate for the existing SRC was 911 burden hours per State. In the burden estimate for that SRC, the Department reported that 59 States were required to report data, equivalent to the current requirements. This represented a total burden of 53,749 hours for all States (59 States multiplied by 911 hours). This burden calculation was made on entity-level, rather than program-level, reporting (for a more detailed discussion of the consequences of this issue, see the sections on entity-level and program-level reporting in §§ 612.3 and 612.4). However, because relevant program-level data reported by the IHEs on the IRC will be prepopulated for States on the SRC, the burden associated with program-level reporting under § 612.4(a) will be minimal. Those elements that will require additional burden are discussed in the subsequent paragraphs of this section.*

Until the Department specifies what data will be prepopulated, it is unclear whether the burden will be reduced. In addition, states may be expected to spend time and energy (incurring burden and cost) to ensure that the prepopulated data are correct for each teacher preparation program. The Department's assessment here is too low.

### ***Elements Changed in the State Report Card (p. 71875)***

*Because the Department must continue to collect IRC and SRC data until the proposed reporting requirements are effective, the Department, prior to the development of this notice of proposed rulemaking, submitted a proposed information collection to OMB that reflected the basis for some of the proposed changes to the SRC. We calculated there that the estimated burden would be reduced from 911 hours per State to 250 hours per State. While the Department has not yet completed analyzing comments on this Information Collection Request (ICR), the burden decrease expected under that ICR is due in part to the elimination of a number of data fields. That revised burden estimate also reflects States' experience with filling out the SRC (including, for example, databases of demographic data compiled by States) and pre-populating of previous years' data. Most significantly, the burden reduction represents the successful technical integration between test companies and the Department's title II contractor, such that all test-related data are managed, calculated, and uploaded by the test companies and contractor, with no additional burden incurred by States.*

Given that the Department would require far more work of the states and IHEs offering teacher preparation programs by creating a rating system with mandated indicators, it is hard to view the projected reduction in burden as realistic. Furthermore, the Department arrives at this claim by including elements that are not even connected to the proposed regulations. These elements are themselves proposals that may or may not be adopted; thus they should not be used as a basis for a cost estimate of this proposed regulation. While it may be true that burdens are lowered by having the testing companies share data directly with the Department, this practice would have nothing to do with the proposed regulations – and its cost surely would either be charged to the institution or passed on to teacher candidates through testing fees.

*In addition to those changes reflected in the ICR sent to OMB, the Department, responding to the recommendations of non-Federal negotiators, also proposed to eliminate numerous other elements that are not required by statute, burdensome to calculate, and can be pre-populated (such as total program completers in prior years, certain specific requirements related to licensure requirements not indicative of program or teacher quality, and duplicative questions already asked in other portions of the SRC). The Department also proposes to change reporting some elements as lengthy narrative responses to drop-down menus. Elimination of these elements represents a significant burden reduction in reporting data using the SRC. The Department estimates that the elimination of these elements constitutes a burden reduction of 65 hours for each State above the efficiencies identified in the information collection in the preceding paragraph. For filing the SRC, the total burden reduction is 80 percent for each State, equal to 726 hours of staff time annually (911 hours minus the 661 hours representing efficiencies identified in the proposed information collection, minus the 65 hours representing the additional burden reduction pursuant to the proposed regulations). New SRC filing burden time would be 185 hours per year for each State.*

Again, these changes do not reflect the requirements by law or by the proposed regulations, but rather changes merely being recommended by the Department to the SRC to relieve burden. They are not part of the proposed regulations and thus should not be considered as part of this burden estimate.

*At the request of non-Federal negotiators, the Department added some data fields to the SRC to reflect specific statutory provisions in § 205(b). These include additional demographic*

*information, qualitative clinical data, and data on shortages of highly qualified teachers in specific subject areas. The Department estimates that providing this additional information would require an additional 50 hours for each State to gather and report.*

Given that the Department does not describe the additions/changes mentioned above, it is unclear if the estimated burden is correct or not. As throughout this document, we urge caution and detailed analysis.

*Using the above calculations, the Department estimates that the total reporting burden for each State would be 235 hours (185 hours for the revised SRC plus the additional statutory reporting requirements totaling 50 hours). This would represent a reduction of 676 burden hours for each State to complete the requirements of the SRC, as compared to approved OMB collection 1840-0744 (911 burden hours under the current SRC compared to 235 burden hours under the revised SRC). The total burden for States to report this information would be 13,865 hours (235 hours multiplied by 59 States).*

Increasing data collection, analysis, and reporting and developing a new rating system increases burden. The Department seems to be basing this illogical estimate on another proposal it has made, which may or may not occur. At issue for this NPRM is the anticipated burden of the regulations' implementation, not the net effects of this and other proposed changes. The Department's estimate here is incomplete and thus inaccurate.

#### ***Posting On the State's Web Site (p. 71875)***

*The Department therefore estimates that States would require 0.5 hours (30 minutes) to meet this requirement. This would represent a total burden increase of 29.5 hours each year for all IHEs (0.5 hours multiplied by 59 States).*

As has been discussed previously in this response, this estimated burden is too low; there is no accounting for technical errors/challenges or for the number of staff who would need to be involved in ensuring that this mandate is met.

#### ***Subtotal of Annual Reporting Burden Under § 612.3 (p. 71875)***

*As noted in the preceding discussion, there is no start-up burden associated solely with § 612.4(a). Therefore, the aggregate start-up and annual reporting burden associated with reporting elements under § 612.4(a) would be 13,894.5 hours (235 hours multiplied by 59 States plus 0.5 hours for each of the 59 States).*

As previously noted, it is reasonable to expect start-up burdens if the Department changes the SRC. The burden estimate is too low.

#### ***Start-Up Burden – Meaningful Differentiations (p. 71876)***

*Under proposed § 612.4(b)(1), a State would be required to make meaningful differentiations in teacher preparation program performance using at least four performance levels—low-performing teacher preparation program, at-risk teacher preparation program, effective teacher preparation program, and exceptional teacher preparation program—based on the indicators in*

*§ 612.5 and including, in significant part, employment outcome for high-need schools and student learning outcomes.*

*The Department estimates that each State would require 21 hours to make these determinations, and this would constitute a one-time total burden of 1,092 hours (21 hours multiplied by 52 States).*

Previously, the Department estimated that each state would need at least three meetings with stakeholders to determine the weighting of the mandated indicators following the requirements or the proposed regulations. It is not realistic to expect that in three meetings of 7 hours each, stakeholders would reach agreement on the weighting and determinations of the ratings, as well as on the other aspects of the proposed regulations that would require the time and attention of the stakeholders. In addition, this estimate fails to take into account the staff time necessary to prepare for the meetings and to institute the necessary changes upon completion of these meetings. This burden estimate is unrealistically low.

*As a part of the proposed regulation, a State would be required to classify each teacher preparation program on the basis of these differentiated performance levels using the indicators of academic content knowledge and teaching skills in § 612.5 (see the discussion of § 612.5 for a detailed discussion of the burden associated with each of these indicators).*

*The proposed regulatory requirement under § 612.4(b)(1) and § 612.4(b)(2) that States rely in significant part on employment outcomes in high-need schools and student learning outcomes and ensure that no program is deemed effective or higher unless it has satisfactory or higher student learning outcomes would not, in itself, create additional reporting requirements. (See discussion related to burden associated with reporting student learning outcomes in the start-up burden section of § 612.5.) However, States would have the discretion under this proposed regulation to determine the meaning of “significant” and “satisfactory.” Similar to the consultative process described in the previous paragraphs of this section, a State may consult with early adopter States to determine best practices for making such determinations and whether an underlying qualitative basis should exist for these terms. The Department estimates that this decision-making process would take 14 hours for each State, and the one-time total burden associated with these determinations would be 728 hours (14 hours multiplied by 52 States).*

Here and above, the estimate assumes that state-level determination of meaningful differentiation of performance levels, “significant weighting” of factors in those ratings, and “satisfactory levels” of performance can all be worked out in the equivalent of one person-week (36 hours total). AACTE urges OMB to consider state responses to this estimate; such determinations will require broad consultation and establishment via state policy channels.

Importantly, the estimate fails to take into account the burden on the early adopter states and staff, as well as the fact that no state currently fully implements the system required by these proposed regulations. Some states might have personnel available for consultation in certain areas while others offer other areas, and some states might not have the time or resources to provide any consultation. The Department wants to depend on states that have not fully implemented the regulations themselves to volunteer to bear the burden and cost of assisting other states in creating their systems. The burdens associated within and among states will be substantially greater than estimated.

### **Assurance of Specialized Accreditation (p. 71876)**

*Under proposed § 612.4(b)(3)(i)(A), a State would be required to provide for each teacher preparation program disaggregated data for each of the indicators identified pursuant to § 612.5. See the start-up burden section of § 612.5 for a more detailed discussion of the burden associated with gathering the indicator data required to be reported under this regulatory section. See the annual reporting burden section of 612.4 for a discussion of the ongoing reporting burden associated with reporting disaggregated indicator data under this regulatory provision. No further burden exists beyond the burden described in these two sections.*

*Under proposed § 612.4(b)(3)(i)(B), a State would be required to provide, for each teacher preparation program in the State, the State's assurance that the teacher preparation program either: (a) Is accredited by a specialized agency or (b) provides teacher candidates with content and pedagogical knowledge, quality clinical preparation, and rigorous teacher entry and exit qualifications. See the start-up burden section of § 612.5 for a detailed discussion of the burden associated with gathering the indicator data required to be reported under this regulatory section. See the annual reporting burden section of § 612.4 for a discussion of the ongoing reporting burden associated with reporting these assurances. No further burden exists beyond the burden described in these two sections.*

As noted previously in this response, we are deeply concerned about the effect that this provision would have on accreditation processes and entities. While the burdens of reporting these assurances might be assessed to be low, the costs incurred by the states and the accrediting agencies (NCATE and TEAC, and, should the Secretary recognize it, CAEP) have not been accounted for by the Department.

Currently, the national accrediting agencies recognize teacher preparation entities, not individual preparation programs. Fewer than half of states mandate national accreditation for some or all teacher preparation providers. For those that do not, the Department is now mandating aspects of the state program approval or entity accreditation process – a function currently left solely up to the states. The NPRM estimate lacks clarity with regard both to how entity-level accreditation would need to be interpreted under the regulations and to what changes in current program approval processes would be required in the various states. Given the incompleteness of the analysis, the estimates are at best unreliable, and inevitably unrealistically low. AACTE urges OMB to seek a complete analysis and full estimate of this burden.

### **Indicator Weighting (p. 71876)**

*Under proposed § 612.4(b)(3)(ii), a State would be required to provide its weighting of the different indicators in § 612.5 for purposes of describing the State's assessment of program performance. See the start-up burden section of § 612.4 on stakeholder consultation for a detailed discussion of the burden associated with establishing the weighting of the various indicators under § 612.5. See the annual reporting burden section of § 612.4 for a discussion of the ongoing reporting burden associated with reporting these relative weightings. No further burden exists beyond the burden described in these two sections.*

As previously noted in the burden discussions above, the Department has not taken into account the staff time and burden associated with developing and implementing the indicator

weighting, or the necessary hardware and software costs that would be incurred to fully implement these mandated regulations.

#### **State-Level Rewards Or Consequences (p. 71876)**

*Under proposed § 612.4(b)(3)(iii), a State would be required to provide the State-level rewards or consequences associated with the designated performance levels. See the start-up burden section of § 612.4 on stakeholder consultation for a more detailed discussion of the burden associated with establishing these rewards or consequences. See the annual reporting burden section of § 612.4 for a discussion of the ongoing reporting burden associated with reporting these relative weightings. No further burden exists beyond the burden described in these two sections.*

The burden of the proposed system would not be limited to start-up costs. Processes associated with administration of rewards or (the real issue) consequences for low performance will be burdensome for both states and providers. This estimate is incomplete in not accounting for costs and burdens associated with developing, implementing, monitoring, and revising consequential regulatory systems.

#### **Aggregation Of Small Programs (p. 71876-71877)**

*However, the Department realized that, on the basis of research examining accuracy and validity relating to reporting small program sizes, some States may prefer to report on programs smaller than 25. Proposed § 612.4(b)(4)(i) permits States to report using a lower program size threshold. In order to determine the preferred program size threshold for its programs, a State may review existing research or the practices of other States that set program size thresholds to determine feasibility for its own teacher preparation program reporting. The Department estimates that such review would require 14 hours for each State, and this would constitute a one-time total burden of 728 hours (14 hours multiplied by 52 States).*

It cannot be assumed that a state would keep its program threshold constant. As state workforce needs change and other dynamics effect program enrollment, thresholds may need to be modified. The assumption that the state would maintain its newly determined lower threshold is perhaps a faulty one, as programs close, state needs change, and other programs flourish. In addition, the estimate of 14 hours (less than 2 working days) seems low for the amount of effort that would be required from the state to ensure an equitable lower threshold, if not that of 25 new teachers each year.

*Under proposed § 612.4(b)(4), all teacher preparation entities would be required to report on the remaining small programs that do not meet the program size threshold the State chooses. States will be able to do so through a combination of two possible aggregation methods described in § 612.4(b)(4)(ii). The preferred aggregation methodology is to be determined by the States after consultation with a group of stakeholders. For a detailed discussion of the burden related to this consultation process, see the start-up burden section of § 612.4, which discusses the stakeholder consultation process. Apart from the burden discussed in that section, no other burden is associated with this requirement.*

The Department fails to account for the fact that teacher preparation programs fluctuate in size and change based on the needs of the location or the state, or other factors, and thus the one-

time burden associated with the aggregation of small programs is unrealistic. Some programs might need to aggregate over 4 years while others at the same institution might need to be combined with similar programs to ensure that the state and the IHE comply with the requirements of the proposed regulation. For purposes of this estimate, the need for foreseeable and inevitable ongoing decision-making and adjustment render the assumption of a one-time-only cost untenable. Burden will be higher than estimated and will be recurring.

### **Stakeholder Consultation (p. 71877)**

*Under proposed § 612.4(c), a State would be required to consult with a representative group of stakeholders to determine the procedures for assessing and reporting the performance of each teacher preparation program in the State. This stakeholder group, composed of a variety of members representing viewpoints and interests affected by these proposed regulations, would provide input on a number of issues concerning the State's discretion granted under these proposed regulations. There are four issues in particular on which the stakeholder group would advise the State—*

- a. the relative weighting of the indicators identified in § 612.5;*
- b. the preferred method for aggregation of data such that performance data for a maximum number of small programs are reported;*
- c. the State-level rewards or consequences associated with the designated performance levels; and*
- d. the appropriate process and opportunity for programs to challenge the accuracy of their performance data and program classification.*

*The Department believes that this consultative process would require that the group convene at least three times to afford each of the stakeholder representatives multiple opportunities to meet and consult with the constituencies they represent. Further, the Department believes that members of the stakeholder group would require time to review relevant materials and academic literature and advise on the relative strength of each of the performance indicators under § 612.5, as well as any other matters requested by the State.*

*These stakeholders would also require time to advise whether any of the particular indicators would have more or less predictive value for the teacher preparation programs in their State, given its unique traits. Finally, because some States have already implemented one or more components of the proposed regulatory indicators of program quality, these stakeholders would require time to review these States' experiences in implementing similar systems. The Department estimates that the combination of gathering the stakeholder group multiple times, review of the relevant literature and other States' experiences, and making determinations unique to their particular State would take 156 hours for each State. This would constitute a one-time total of 8,736 hours for all States (168 hours multiplied by 52 States).*

The Department's estimate does not adequately consider the burden and cost of gathering stakeholders, reaching initial consensus, and managing revisions. In addition, while the Department might seek to infer that states will engage the minimal number of stakeholders possible, it is hoped that states would expand the engagement beyond those required, as the implications of these regulations would be broad and significant. The estimate is unreasonably low.

### **Subtotal of Start-Up Burden Under § 612.4(b) and § 612.4(c) (p. 71877)**

*Aggregating the start-up burdens calculated under the preceding sections results in the following burdens: All States would incur a total burden of 1,092 hours to make meaningful differentiations in program classifications, 728 hours to define the terms “significant” and “satisfactory” under these sections, 728 hours to determine the State's aggregation of small programs, and 8,736 hours to complete the stakeholder consultation process. This would constitute a total burden of 11,284 hours of start-up burden nationwide.*

Based on the analyses and considerations detailed above, AACTE finds the estimate of burden by the Department for this section too low by far and urges OMB to consider each of the points in rendering its own more accurate estimate.

### **Annual Reporting Burden: Classification of Teacher Preparation Programs (p. 71877)**

*The bulk of the State burden associated with assigning programs among classification levels would be in gathering and compiling data on the indicators of program quality that compose the basis for the classification. Once a State has made a determination of how a teacher preparation program would be classified at a particular performance level, applying the data gathered under § 612.5 to this classification basis would be straightforward. The Department estimates that States would require 0.5 hours (30 minutes) to apply already-gathered indicator data to existing program classification methodology. The total burden associated with classification of all teacher preparation programs using meaningful differentiations would be 12,500 hours each year (0.5 hours multiplied by 25,000 teacher preparation programs).*

As previously noted, it is expected that the determination of a performance rating would take longer than 30 minutes for each teacher preparation program. Staff would need to review the inputted data, and the resulting ratings, to ensure accuracy (minimizing further cost and burden of moving through an appeals process).

### **Disaggregated Data On Each Indicator In § 612.5 (p. 71877)**

*Under proposed § 612.4(b)(3)(i)(A), States would be required to report on the indicators of program performance in proposed § 612.5. For a fuller discussion of the burden related to the reporting of this requirement, see the annual reporting burden section of § 612.5. Apart from the burden discussed in this section, no other burden is associated with this requirement.*

The Department fails to take into account the staff time required for reporting and verifying the accuracy of data. These additional burdens should be addressed by the Department.

### **Indicator Weighting (pp. 71877-71877)**

*Under proposed § 612.4(b)(3)(ii), States would be required to report the relative weight it places on each of the different indicators enumerated in § 612.5. The burden associated with this reporting is minimal: After the State, in consultation with a group of stakeholders, has made the determination about the percentage weight it will place on each of these indicators, reporting this information on the SRC is a simple matter of inputting a number for each of the indicators. Under the proposed regulations at § 612.5, this would minimally require the State input eight general indicators of quality. Note: the eight indicators are—*



- a. associated student learning outcome results;
- b. teacher placement results;
- c. teacher retention results;
- d. teacher placement rate calculated for high-need school results;
- e. teacher retention rate calculated for high-need school results;
- f. teacher satisfaction survey results;
- g. employer satisfaction survey results; and
- h. assurance of specialized accreditation or assurance of content and pedagogical knowledge, quality clinical preparation, and rigorous entry and exit standards.

*This reporting burden would not be affected by the number of teacher preparation programs in a State, because such weighting would apply equally to each program. Although the State would have the discretion to add indicators, the Department does not believe that transmission of an additional figure representing the percentage weighting assigned to that indicator would constitute an appreciable burden increase. The Department therefore estimates that each State would incur a burden of 0.25 hours (15 minutes) to report the relative weighting of the regulatory indicators of program performance. This would constitute a total burden on States of 13 hours each year (0.25 hours multiplied by 52 States).*

The Department asserts above that “such weighting would apply equally to each program,” citing this as the reason the reporting burden would not be affected. Yet elsewhere in the proposed regulations, the Department holds that “in assessing employment outcomes a state might chose to weight indicators differently for traditional programs vs. alternative route programs.” This internal inconsistency in the NPRM undermines the credibility of the cost and burden estimates. In this assessment, the Department does not account for the necessary infrastructure and staff time that would be required to implement the weighting of indicators after their input in the system (which could be burdensome as well to produce this section of the State Report Cards).

#### **State-Level Rewards or Consequences (p. 71878)**

*Similar to the reporting required under § 612.4(b)(3)(ii), after a State has made the requisite determination about rewards and consequences, reporting those rewards and consequences would represent a relatively low burden. States would be required to report this on the SRC during the first year of implementation, the SRC could provide States with a drop-down list representing common rewards or consequences in use by early adopter States, and States would be able to briefly describe those rewards or consequences not represented in the drop-down options. For subsequent years, the SRC could be pre-populated with the prior-year's selected rewards and consequences, such that there would be no further burden associated with subsequent year reporting unless the State altered its rewards and consequences. For these reasons, the Department estimates that States will incur, on average, 0.5 hours (30 minutes) of burden in the first year of implementation to report the State-level rewards and consequences, and 0.1 hours (6 minutes) of burden in each subsequent year. The Department therefore estimates that the total burden for the first year of implementation of this proposed regulatory requirement would be 26 hours (0.5 hours multiplied by 52 States) and 5.2 hours each year thereafter (0.1 hours multiplied by 52 States).*

The Department proposes throughout the regulations that states will consult with the early adopter states but fails to consider the cost and burden to each party related to such

consultation. In addition, in this particular discussion, the Department assumes that the SRC drop-down menu options will be able to capture each of the states' chosen rewards or consequences. While this might be possible if all the states were merely given a mandated list from which to choose, it is expected that the states will develop options in response to their internal aims, fiscal needs, and challenges. The assumption that the variety of state decisions will be easily captured in a drop-down menu bears questioning, and 30 minutes is an underestimate of the reporting burden for development. Further, the estimate that each state will require only 6 minutes (0.1 hours) annually to report on changes in consequences and rewards in subsequent years is not credible.

#### **Stakeholder Consultation** (p. 71878)

*Under proposed § 612.4(b)(5), during the first year of reporting and every five years thereafter, States would be required to report on the procedures they established in consultation with the group of stakeholders described under § 612.4(c)(1). The burden associated with the first and third of these four procedures, the weighting of the indicators and State-level rewards and consequences associated with each performance level, respectively, are discussed in the preceding paragraphs of this section.*

*The second procedure, the method by which small programs are aggregated, would be a relatively straightforward reporting procedure on the SRC. Pursuant to § 612.4(b)(4)(ii), States are permitted to use one of two methods, or a combination of both in aggregating small programs. A State would be allowed to aggregate programs that are similar in teacher preparation subject matter. A State would also be allowed aggregate using prior year data, including that of multiple prior years. Or a State would be allowed to use a combination of both methods. On the SRC, the State would simply indicate the method it uses. The Department estimates that States would require 0.5 hours (30 minutes) to enter these data every fifth year. On an annualized basis, this would therefore constitute a total burden of 5.2 hours (0.5 hours multiplied by 52 States divided by five to annualize burden for reporting every fifth year).*

While the Department does not expect states to need to adjust their aggregation methods often, we believe that changing demographics and needs in each state will cause teacher preparation programs that produce a small number of teachers to aggregate differently to meet the necessary requirements. The Department's estimate is low.

*The fourth procedure that States would be required to report under proposed § 612.4(b)(5) is the method by which teacher preparation programs in the State are able to challenge the accuracy of their data and the classification of their program. First, the Department believes that States would incur a paperwork burden each year from recordkeeping and publishing decisions of these challenges. Because the Department believes the instances of these appeals would be relatively rare, we estimate that each State would incur 6 hours of burden each year related to recordkeeping and publishing decisions. This would constitute an annual reporting burden of 312 hours (6 hours multiplied by 52 States).*

While the Department believes that teacher preparation programs would rarely appeal their ratings, given the high-stakes results of the rating and the questions about efficacy of the rating system itself, this belief is misguided. This estimate is low.

*After States and their stakeholder groups determine the preferred method for programs to challenge data, reporting that information would likely take the form of narrative responses. This is because the method for challenging data may differ greatly from State to State, and it is difficult for the Department to predict what methods States will choose. The Department therefore estimates that reporting this information in narrative form during the first year would constitute a burden of 3 hours for each State. This would represent a total reporting burden of 156 hours (3 hours multiplied by 52 States).*

Given the numerous assumptions and lack of supporting information provided by the Department, it is hard to agree with an estimate of a mere 3 hours per state to review a narrative document during the appeal of a teacher preparation program's rating. In addition, as previously stated, it is likely that there will be more appeals than the Department is expecting.

*In subsequent reporting cycles, the Department would be able to examine State responses and (1) pre-populate this response for States that have not altered their method for challenging data or (2) provide a drop-down list of representative alternatives. This would minimize subsequent burden for most States. The Department therefore estimates that in subsequent reporting cycles (every five years under the proposed regulations), only 10 States would require more time to provide additional narrative responses totaling 3 burden hours each, with the remaining 42 States incurring a negligible burden. This represents an annualized reporting burden of 6 hours for those 10 States (3 hours multiplied by 10 States, divided by 5 years), for a total annualized reporting burden of 60 hours for subsequent years (6 hours multiplied by 10 States).*

The assumption that only 10 states would need to provide additional narrative responses does not appear to be grounded in any explicit rationale. The assumption that drop-down responses will be adequate is not justified.

*Under proposed § 612.4(c)(2), each State would be required to periodically examine the quality of its data collection and reporting activities and modify those activities as appropriate. The Department believes that this review would be carried out in a manner similar to the one described for the initial stakeholder determinations in the preceding paragraphs: States would consult with representative groups to determine their experience with providing and using the collected data, and they would consult with data experts to ensure the validity and reliability of the data collected. The Department believes such a review would recur every three years, on average. Because this review would take place years after the State's initial implementation of the proposed regulations, the Department further believes that the State's review would be of relatively little burden. This is because the State's review would be based on the State's own experience with collecting and reporting data pursuant to the proposed regulations, and because States would be able to consult with many other States to determine best practices. For these reasons, the Department estimates that the periodic review and modification of data collection and reporting would require 16 hours every three years or an annualized burden of 5.3 hours for each State. This would constitute a total annualized burden of 275.6 hours for all States (5.3 hours per year multiplied by 52 States).*

The Department underestimates the burden of reconvening stakeholders every 3 years to review the data collection and the quality of the data. Stakeholders not only would wish to participate in this process but would expect to be actively engaged throughout the year given the high stakes involved. The review process should be open and transparent, and just over 5 hours of burden is far too low of an estimate.

**Subtotal Annual Reporting Burden Under § 612.4(b) and § 612.4(c) (pp. 71878-71879)**

*Aggregating the annual burdens calculated under the preceding sections results in the following: All States would incur a burden of 12,500 hours to report classifications of teacher preparation programs, 13 hours to report State indicator weightings, 26 hours in the first year and 5.2 hours in subsequent years to report State-level rewards and consequences associated with each performance classification, 5.2 hours to report the method of program aggregation, 312 hours for recordkeeping and publishing appeal decisions, 156 hours the first year and 60 hours in subsequent years to report the process for challenging data and program classification, and 275.6 hours to report on the examination of data collection quality. This totals 13,287.5 hours of annual burden in the first year and 13,171.5 hours of annual burden in subsequent years nationwide.*

As previously stated, the Department's estimates in each of the subsections creating this subtotal are low. Therefore, the above burden estimate is incorrect for the implementation of these proposed regulations.

**Total Reporting Burden Under § 612.4 (p. 71879)**

*Aggregating the start-up and annual burdens calculated under the preceding sections results in the following burdens: All States would incur a total burden under § 612.4(a) of 13,894.5 hours, a start-up burden under § 612.4(b) and § 612.4(c) of 11,284 hours, and an annual burden under § 612.4(b) and § 612.4(c) of 13,287.5 hours in the first year and 13,171.5 hours in subsequent years. This totals between 38,350 and 38,466 total burden hours under § 612.4 nationwide. Based on the prior estimate of 53,749 hours of reporting burden on OMB collection 1840-0744, the total burden reduction under § 612.4 is between 15,283 hours and 15,399 hours (53,749 hours minus a range of 38,350 and 38,466 total burden hours).*

AACTE does not concur with the Department's estimated burden hours, as previously discussed in this response.

**Start-Up Burden: Student Learning Outcomes (pp. 71879-71880)**

*Consistent with teacher-student data link requirements related to the American Recovery and Reinvestment Act (ARRA), State Longitudinal Data System program (SLDS), and the ESEA Flexibility initiative, proposed § 612.5(a)(1) would require States to provide data on student learning outcomes, defined as the aggregate learning outcomes of students taught by new teachers trained by each teacher preparation program in the State.*

*First, each State has provided an assurance that it would provide student-growth assessment data for teachers who teach reading/language arts and mathematics in tested grades. This assurance was provided as a consequence of receiving a share of \$48.6 billion in funds from the State Fiscal Stabilization Fund (SFSF), authorized by ARRA. The Department estimates that no additional burden would be incurred to measure student growth for these grades and subjects. There would be some cost, however, for mapping student growth data results back to relevant teacher preparation programs.*

The Department's assumption that each of the states has fully implemented the requirements of the SFSF is flawed, and this assumption leads to further challenges as the Department expects states to assume minimal new burden to implement the proposed regulations.

*As of June 15, 2014, the Secretary has approved requests by 42 States, the District of Columbia, and the Commonwealth of Puerto Rico for flexibility regarding specific requirements of ESEA, as amended, in exchange for rigorous and comprehensive State plans designed to improve educational outcomes for all students, close achievement gaps, increase equity, and improve the quality of instruction. In their request for flexibility, each State has committed to implementing a statewide comprehensive teacher evaluation system covering those teaching in grades and subjects where there is statewide testing and those grades and subjects in which there is not statewide testing.*

*Based on the specific steps required in this guidance, we estimate that for the average teacher, developing and implementing student learning objectives would require 6.85 hours of the teacher's time and 5.05 hours of an evaluator's time. However, for the reasons explained in detail in the Regulatory Impact Assessment section of this notice, the Department estimates that these burden estimates would apply to 31,676 of these teachers in six States. For these teachers, the total burden would equal 376,944 hours (31,676 teachers multiplied by 11.9 hours). For the remaining two States that have not already committed to doing so under the Race to the Top program or as part of their request for ESEA flexibility, the Department estimates that teachers and evaluators would only need to spend a combined three hours to develop and measure against student learning objectives for the 4,629 new teachers of students in non-tested grades and subjects in these areas. This would constitute a total burden of 13,887 hours (3 hours of teacher and evaluator time multiplied by 4,629 teachers). The total burden would therefore equal 390,831 hours (13,887 hours plus 376,944 hours).*

As previously explored in detail in this response, the estimates provided by the Department are based on weak assumptions and do not come close to reflecting the true burden and cost that states, districts, teachers, and administrators would incur if this proposal were to be adopted.

*In addition to creating the systems for evaluating student learning outcomes, the proposed regulations would also require that States link student growth or teacher evaluation data back to each teacher's preparation programs consistent with State discretionary guidelines included in § 612.4. Currently, few States have such capacity. However, based on data from the SLDS program, it appears that 30 States, the District of Columbia, and the Commonwealth of Puerto Rico either already have the ability to aggregate data on student achievement and map back to teacher preparation programs or have committed to do so. For these 30 States, the District of Columbia, and the Commonwealth of Puerto Rico we estimate that no additional costs will be needed to link student learning outcomes back to teacher preparation programs.*

The Department is basing its estimates on no additional costs for 30 states on appearances, not on hard data and information. As previously discussed, this estimate is far too low.

*For the remaining States, the cost estimates of establishing this mapping depend on their current statewide longitudinal data capacity. While the Department has awarded \$575.7 million in SLDS grants to support data system development in 47 States, the District of Columbia, and the Commonwealth of Puerto Rico, there remains a substantial variance in capacity among States to implement these data linkages.*

As noted earlier, the Department itself in the NPRM states that only nine states have the capacity to link student learning outcomes back to a teacher's preparation program, at a cost of half a billion dollars.

*The Department estimates, therefore, that the remaining 20 States that currently lack the capacity to link data systems would require 2,940 hours for each State, for a total burden of 58,800 hours nationwide (2,940 hours multiplied by 20 States).*

The Department has not established the above estimate as an accurate one due to the assurances from states on the implementation of their SLDS, and based on the lack of success of 20 states in creating the required data systems, we believe it would be literally years before the remaining states would develop the capacity envisioned by these proposed regulations.

### **Employment Outcomes** (p. 71880)

*Proposed § 612.5(a)(2) would require a State to provide data on each teacher preparation program's teacher placement rate, and to provide data on each teacher preparation program's teacher retention rate. In addition, proposed § 612.5(a)(2) would require a State to provide data on each teacher preparation program's teacher placement and retention rates calculated for high-need schools. States would also have the discretion to treat this rate differently for alternative route and traditional route providers.*

*The Department believes that these 39 States would not incur additional burden for employment outcome reporting except to the extent that they would have to identify recent graduates not employed in a full-time teaching position within the State. A State would incur a minimal burden by matching its certification data against a roster of recent graduates from each teacher preparation program in the State to determine teacher placement and retention rates for those teachers who received their initial certification within the last three years. Additionally, adding a "high-need school" marker to such a list would also incur minimal additional burden.*

*The remaining 11 States would likely incur additional burden in collecting information about the employment and retention of recent graduates of teacher preparation programs in its jurisdiction. To the extent that it is not possible to establish these measures using existing data systems, States may need to obtain some or all of this information from teacher preparation programs or from the teachers themselves upon requests for certification and licensure. The Department estimates that 150 hours may be required at the State level to collect information about new teachers employed in full-time teaching positions (including designing the data request instruments, disseminating them, providing training or other technical assistance on completing the instruments, collecting the data, and checking their accuracy), which would amount to a total of 1,650 hours (150 hours multiplied by 11 States).*

AACTE does not concur with the Department's estimates here, as previously discussed, and expects the costs and burdens to be much higher.

### **Survey Outcomes** (pp. 71880-71881)

*Proposed § 612.5(a)(3) would require a State to provide data on each teacher preparation program's teacher survey results. This would require States to report data from a survey of new*

teachers in their first year of teaching designed to capture their perceptions of whether the training that they received was sufficient to meet classroom and profession realities.

Proposed § 612.5(a)(3) would also require a State to provide data on each teacher preparation program's employer survey results. This would require States to report data from a survey of employers or supervisors designed to capture their perceptions of whether the new teachers they employ or supervise were prepared sufficiently to meet classroom and profession realities.

Based on Departmental consultation with researchers experienced in carrying out survey research, the Department assumes that survey instruments would not require more than 30 minutes to complete. The Department further assumes that a State would be able to develop a survey in 1,620 hours. Assuming that States with experience in administering surveys would incur a lower cost, the Department assumes that the total burden incurred nationwide would maximally be 31,824 hours (612 hours multiplied by 52 States).

As previously discussed, AACTE does not concur with the Department's burden hour estimates to devise, develop, implement, and evaluate the results of surveys to inform high-stakes decisions.

#### **Assurance of Accreditation** (p. 71881)

Under proposed § 612.5(a)(4), States would be required to assure that each teacher preparation program in the State either: (a) Is accredited by a specialized accrediting agency recognized by the Secretary for accreditation of professional teacher education programs or (b) provides teacher candidates with content and pedagogical knowledge and quality clinical preparation, and has rigorous teacher candidate entry and exit standards consistent with section 206(c) of the HEA.

Based on the 1,522 IHEs that reported using the most recent IRC, the Department estimates that States would have to provide the assurances described in proposed § 612.5(a)(4)(ii) for the remaining 731 IHEs. <sup>(86)</sup> Based on an estimated average of 14.65 teacher preparation programs at each IHE (see § 612.3 of this burden report for a more detailed explanation of this figure), the Department estimates that States will have to provide such assurances for approximately 10,716 programs at IHEs nationwide (731 IHEs multiplied by 14.65). In addition, the Department believes that States will have to provide such assurances for all 2,688 programs at alternative routes not associated with IHEs (see the entity-level and program-level reporting section in § 612.4 for a fuller discussion of this figure). Therefore, the Department estimates that States will have to provide such assurances for 13,404 teacher preparation programs nationwide (10,716 unaccredited programs at IHEs plus 2,688 programs at alternative routes not affiliated with an IHE).

The Department believes that States will be able to make use of accreditation guidelines from specialized accrediting agencies to determine the measures that will adequately inform a State whether its teacher preparation programs provide teacher candidates with content and pedagogical knowledge, quality clinical preparation, and have rigorous teacher candidate entry and exit qualifications. The Department estimates that States will require 2 hours for each teacher preparation program to determine whether or not it can provide such assurance. Therefore, the Department estimates that the total reporting burden to provide these assurances would be 26,808 hours (13,404 teacher preparation programs multiplied by 2 hours).

The Department misrepresents the level of analysis at which accreditation operates—the accreditation process as it stands accredits entities, not programs. While the accreditation process examines each program, the accreditation award itself is not specific to each individual program. The award of accreditation is to the entity and could include sanctions or guidance on improvement to one or more individual programs offered at the entity. Thus changes in the full process would be necessary to ensure compliance with the proposed rules, including increased burden at the level of reporting and analysis. In addition, the Department vastly underestimates the labor in evaluating a program to ensure that it meets the standards laid out by the Department. Given the intention of the proposed regulations to ensure that each teacher preparation program meets standards to effectively prepare teachers to be profession ready, one would expect a state to spend more than 2 hours assessing each program.

***Subtotal of Start-Up Reporting Burden Under § 612.5 (p. 71881)***

*Aggregating the start-up burdens calculated under the preceding sections results in the following burdens: All States would incur a burden of 390,831 hours to establish student learning outcome measures for all subjects and grades, 58,800 hours to link those student learning outcome measures back to each teacher's preparation program, 1,650 hours to measure employment outcomes, 26,808 hours to develop surveys, and 31,824 hours to establish the process for assurance of certain indicators for teacher preparation programs without specialized accreditation. This totals 509,913 hours of start-up burden nationwide.*

AACTE does not concur with the subtotal and expects the burden and cost to be far higher than the estimates offered by the Department.

***Student Learning Outcomes (p. 71881)***

*Under proposed § 612.5(a)(1), States would be required to transmit information related to student learning outcomes for each teacher preparation program in the State. The Department believes that in order to ensure the validity of the data, each State would require 2 hours to gather and compile data related to the student learning outcomes of each teacher preparation program. Much of the burden related to data collection would be built into State-established reporting systems, limiting the burden related to data collection to technical support to ensure proper reporting and to correct data that had been inputted incorrectly. States would have the discretion to use student growth measures or teacher evaluation measures in determining student learning outcomes. Regardless of the measure(s) used, the Department estimates that States would require 0.5 hours (30 minutes) for each teacher preparation program to convey this information to the Department through the SRC. This is because these measures would be calculated on a quantitative basis. The combination of gathering and reporting data related to student learning outcomes would therefore constitute a burden of 2.5 hours for each teacher preparation program, and would represent a total burden of 62,500 hours annually (2.5 hours multiplied by 25,000 teacher preparation programs).*

The Department's assumption that data systems already exist in nearly every state to connect student learning outcomes to teacher preparation programs is incorrect, and thus this burden estimate is too low. Given the fragile nature of the data systems that do exist and the immense amount of time and money that would be necessary to ensure the accuracy and validity of the required data, we do not agree with this estimate.



### **Employment Outcomes** (pp. 71881-71882)

*Under proposed § 612.5(a)(2), States would be required to transmit information related to employment outcomes for each teacher preparation program in the State. In order to report employment outcomes to the Department, States would be required to compile and transmit teacher placement rate data, teacher placement rate data calculated for high-need schools, teacher retention rate data, and teacher retention rate data for high-need schools. Similar to the process for reporting student learning outcome data, much of the burden related to gathering data on employment outcomes would be subsumed into the State-established data systems, which would provide information on whether and where teachers were employed. The Department estimates that States would require 3 hours to gather data both on teacher placement and teacher retention for each teacher preparation program in the State. Reporting these data using the SRC would be relatively straightforward. The measures would be the percentage of teachers placed and the percentage of teachers who continued to teach, both generally and at high-need schools. The Department therefore estimates that States would require 0.5 hours (30 minutes) for each teacher preparation program to convey this information to the Department through the SRC. The combination of gathering and reporting data related to employment outcomes would therefore constitute a burden of 3.5 hours for each teacher preparation program and would represent a total burden of 87,500 hours annually (3.5 hours multiplied by 25,000 teacher preparation programs).*

As stated previously, the Department's assumptions that the data systems already exist in nearly every state are flawed, and thus this burden estimate is too low.

### **Survey Outcomes** (p. 71882)

*In addition to the start-up burden needed to produce a survey, States would incur annual burdens to administer the survey. Surveys would include, but would not be limited to, a teacher survey and an employer survey, designed to capture perceptions of whether new teachers who are employed as teachers in their first year of teaching in the State where the teacher preparation program is located possess the skills needed to succeed in the classroom. The burdens for administering an annual survey would be borne by the State administering the survey and the respondents completing it. For the reasons discussed in the Regulatory Impact Assessment section of this notice, the Department estimates that States would require approximately 0.5 hours (30 minutes) per respondent to collect a sufficient number of survey instruments to ensure an adequate response rate. The Department employs an estimate of 285,181 respondents (70 percent of 407,402—the 203,701 completers plus their 203,701 employers) that would be required to complete the survey. Therefore, the Department estimates that the annual burden to respondents nationwide would be 142,591 hours (285,181 respondents multiplied by 0.5 hours per respondent).*

*With respect to burden incurred by States to administer the surveys annually, the Department estimates that one hour of burden would be incurred for every respondent to the surveys. This would constitute an annual burden nationwide of 285,181 hours (285,181 respondents multiplied by one hour per respondent).*

The Department does not include the effort that may be needed to ensure an adequate response rate to the surveys or the time needed to analyze the survey results.

*Under proposed § 612.5(a)(3), after these surveys are administered, States would be required to report the information using the SRC. In order to report survey outcomes to the Department, the Department estimates that States would need 0.5 hours to report the quantitative data related to the survey responses for each instrument on the SRC, constituting a total burden of one hour to report data on both instruments. This would represent a total burden of 25,000 hours annually (1 hour multiplied by 25,000 teacher preparation programs). The total burden associated with administering, completing, and reporting data on the surveys would therefore constitute 452,772 hours annually (142,591 hours plus 285,181 hours plus 25,000 hours).*

The Department does not include any burden related to examining the data and determining what to do when a teacher responds to the survey but his or her employer does not, or vice-versa. In addition, the Department is not accounting for the necessary work to aggregate responses for each teacher preparation program and to share the responses with the program. The Department's estimates are far too low for this aspect of the proposed regulations.

### ***Assurance of Specialized Accreditation (p. 71882)***

*Under proposed § 612.5(a)(4)(i), States would be required to report whether each program in the State is accredited by a specialized accrediting agency. The Department estimates that 726 IHEs offering teacher preparation programs are or will be accredited by a specialized accrediting agency (see the start-up burden discussion for § 612.5 for an explanation of this figure). Using the IRC, IHEs already report to States whether teacher preparation programs have specialized accreditation. This reporting element would be pre-populated for States on the SRC, and is reflected in the burden calculation relating to SRC reporting in § 612.4 of this burden statement. The Department estimates no additional burden for this reporting element. Under proposed § 612.5(a)(4)(ii), for those programs that are not accredited by a specialized accrediting agency, States would be required to report on certain indicators in lieu of that accreditation: Whether the program provides teacher candidates with content and pedagogical knowledge and quality clinical preparation, and has rigorous teacher candidate entry and exit qualifications. Such requirements should be built into State approval of relevant programs. The Department estimates that States would require 0.25 hours (15 minutes) to provide to the Secretary an assurance, in a yes/no format, whether each teacher preparation program in its jurisdiction not holding a specialized accreditation from CAEP, NCATE, or TEAC meets these indicators.*

*As discussed in the start-up burden section of § 612.5 that discusses assurance of specialized accreditation, the Department estimates States would have to provide such assurances for 13,404 teacher preparation programs that do not have specialized accreditation. Therefore, the Department estimates that the total burden associated with providing an assurance that these teacher preparation programs meet these indicators is 3,351 hours (0.25 hours multiplied by the 13,404 teacher preparation programs that do not have specialized accreditation).*

Currently accreditation is for entities, not individual teacher preparation programs, and thus the burdens estimated by the Department are too low. See previous discussions in this response. Note that although the Department lists CAEP as an accreditor, currently CAEP is neither recognized by the Secretary nor on the NACIQI docket for consideration, so CAEP accreditation should not be regarded as meeting the requirement.

### **Subtotal of Annual Reporting Burden Under § 612.5 (p. 71882)**

Aggregating the annual burdens calculated under the preceding sections results in the following burdens: All States would incur a burden of 62,500 hours to report on student learning outcome measures for all subjects and grades, 87,500 hours to report on employment outcomes, 452,772 hours to report on survey outcomes, and 3,351 hours to provide assurances that teacher preparation programs without specialized accreditation meet certain indicators. **This totals 606,123 hours of annual burden nationwide.**

AACTE does not concur with these estimates based on information shared previously in this response.

### **Total Reporting Burden Under § 612.5**

Aggregating the start-up and annual burdens calculated under the preceding sections results in the following burdens: All States would incur a start-up burden under § 612.5 of 509,913 hours and an annual burden under § 612.5 of 606,123 hours. **This totals 1,116,036 burden hours under § 612.5 nationwide**

AACTE does not concur with these estimates based on information shared previously in this response.

### **Section 612.6—What Must a State Consider in Identifying Low-Performing Teacher Preparation Programs or At-Risk Programs (pp. 71882-71883)**

The proposed regulations in § 612.6 would require States to use criteria, including, at a minimum, indicators of academic content knowledge and teaching skills from § 612.5, to identify low-performing or at-risk teacher preparation programs.

For a fuller discussion of the burden related to the consideration and selection of the criteria reflected in the indicators described in § 612.5, see the start-up burden section of § 612.4(b) and § 612.4(c) discussing meaningful differentiations. Apart from that burden discussion, the Department believes States would incur no other burden related to this proposed regulatory provision.

The state burdens associated with identifying a low-performing teacher preparation program have been discussed throughout this response. In addition, states bear burdens of offering technical assistance to low-performing programs to improve that are not accounted for in this estimation.

### **Section 612.7—Consequences for a Low-Performing Teacher Preparation Program That Loses the State's Approval or the State's Financial Support (p. 71883)**

For any IHE administering a teacher preparation program that has lost State approval or financial support based on being identified as a low-performing teacher preparation program, the proposed regulations under § 612.7 require the IHE to—(a) notify the Secretary of its loss of State approval or financial support within thirty days of such designation; (b) immediately notify each student who is enrolled in or accepted into the low-performing teacher preparation program and who receives funding under title IV, HEA that the IHE is no longer eligible to

provide such funding to them; and (c) disclose information on its Web site and promotional materials regarding its loss of State approval or financial support and loss of eligibility for title IV funding.

The Department does not expect that a large percentage of programs will be subject to a loss of title IV eligibility. The Department estimates that approximately 50 programs will lose their State approval or financial support.

For those 50 programs, the Department estimates that it will take each program 15 minutes to notify the Secretary of its loss of eligibility; 5 hours to notify all students who are enrolled in or accepted into the program and who receives funding under title IV of the HEA; and 30 minutes to disclose this information on its Web sites and promotional materials, for a total of 5.75 hours per program. The Department estimates the total burden at 287.5 hours (50 programs multiplied by 5.75 hours).

The Department underestimates the amount of time necessary to notify students of their new status and fails to account for the necessary support that is required to assist each student in the transition to another program. In addition, the Department fails to explain how it determined that 50 programs would receive a rating of low-performing.

#### **Section 612.8—Regaining Eligibility To Accept or Enroll Students Receiving Title IV, HEA Funds After Loss of State Approval or Financial Support (p. 71883)**

The proposed regulations in § 612.8 provide a process for a low-performing teacher preparation program that has lost State approval or financial support to regain its ability to accept and enroll students who receive title IV, HEA funds. Under this process, IHEs would submit an application and supporting documentation demonstrating to the Secretary: (1) Improved performance on the teacher preparation program performance criteria reflected in indicators described in § 612.5 as determined by the State; and (2) reinstatement of the State's approval or the State's financial support.

The process by which programs and institutions apply for title IV eligibility already accounts for the burden associated with this provision.

The Department is incorrect in assuming that the burden is already accounted for by previous applications. The teacher preparation program and the IHE are required to share sufficient data and evidence that a program has improved to regain eligibility. The cost and burden are not accounted for in this estimate.

#### **Total Reporting Burden Under Part 612 (p. 71883)**

Aggregating the total burdens calculated under the preceding sections of Part 612 results in the following burdens: Total burden hours incurred under § 612.3 is 146,340 hours, under § 612.4 is between 38,350 hours and 38,466 hours, under § 612.5 is 1,116,036 hours, under § 612.7 is 288 hours, and under § 612.8 is 200 hours. This totals between 1,301,213 hours and 1,301,330 hours nationwide.

AACTE does not concur with the above estimate.

## CONCLUSION

AACTE appreciates the opportunity to express our opinion regarding the costs and burdens estimated by the U.S. Department of Education in its proposed regulations for evaluating teacher preparation programs.

We will reserve further comments on the regulations as a whole for our February 2 letter to the Department. This letter is intended only to respond to the cost and burden estimates offered by the Department, not to the proposal as a whole. We urge OIRA and its staff to engage in a meticulous analysis in response to the Department of Education's NPRM. A proposal of this magnitude deserves nothing less.

You have received other responses from members of AACTE, and together we stand ready to assist you in developing an accurate burden and cost analysis of this proposed regulation. Please do not hesitate to reach out to our Director of Government Relations, Deborah Koolbeck, [dkoolbeck@aacte.org](mailto:dkoolbeck@aacte.org) or 202-478-4506, should any staff person have any questions or require additional information.

Sincerely,

A handwritten signature in black ink that reads "Sharon P. Robinson". The signature is written in a cursive, flowing style.

Sharon P. Robinson  
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