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March 18, 2011

Office of Information and Regulatory Affairs  
*Attention:* Education Desk Officer  
Office of Management and Budget  
725 17<sup>th</sup> Street, NW., Room 10222  
New Executive Office Building  
Washington, DC 20503

**Re: FR Doc. 2011-3489 – Equitable Distribution of Effective Teachers**

Dear Director King:

The Council for Exceptional Children (CEC) – an international community of educators, including teachers, administrators, higher education faculty and researchers – is the voice and vision of special and gifted education. Our mission is to improve the quality of life for individuals with exceptionalities and their families through professional excellence and advocacy.

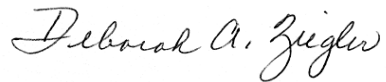
CEC is pleased to provide comments to the Office of Management and Budget’s Equitable Distribution of Effective Teachers study, as published in the Federal Register on February 16, 2011. CEC members serve on the frontline of education and deeply understand the critical impact an educator has on the academic success of a student. Indeed, the nation’s six million students with disabilities rely on the specialized instruction, accommodations and modifications to the general education curriculum provided by high quality special education teachers and related service personnel, to excel in school and in life. Every student deserves access to a well prepared, successful educator.

We are pleased you are undertaking this study, and we urge you to include in your analysis equitable distribution of fully certified special education teachers. There are chronic shortages of special educators in every state in this nation, but efforts to address this concern must ensure that all students receive instruction from fully prepared special education teachers who, research demonstrates, are best able to increase student achievement. Additionally, in your analysis of measures of teacher effectiveness, it is equally important to ensure states and local education agencies are including and addressing the unique needs of educators who work with students with disabilities. Due to the diversity of needs and strengths within this population of students, it is

important to understand whether any measure of their performance, which purports to be accurate actually is, -- especially, when this measure will be included in considering whether a special education teacher is effective. Therefore, we respectfully request you include students with disabilities and the professionals who work on their behalf in your analysis.

If our comments raise any questions or concerns or if we may be of assistance, please feel free to contact Deborah Ziegler, Associate Executive Director at [debz@cec.sped.org](mailto:debz@cec.sped.org) or 703-264-9406.

Very Truly Yours,

A handwritten signature in cursive script that reads "Deborah A. Ziegler".

Deborah A. Ziegler, Ed.D.  
Associate Executive Director  
Policy and Advocacy Services  
Council for Exceptional Children

## **CEC Comments on Equitable Distribution of Effective Teachers Study**

**CEC Recommendation:** Expand the population of students considered by this study to include students with disabilities.

**CEC Rationale:** Students with disabilities are approximately 13% of the nationwide student population, and evidence demonstrates that in certain states, districts and schools, they are being disproportionately taught by teachers who are not fully certified in special education. To meet the goals of the study, and understand how states and local districts ensure equitable distribution of educators, and use federal programs to tackle this issue, the study should include students with disabilities.

First, this is aligned with federal priorities in law and Department practice. It will fulfill the vision of the State Plans under ESEA because Section 1111(a) of ESEA specifically requires all ESEA State Plans to be coordinated with IDEA. It is also aligned with the competitive priorities in both the Race to the Top and Teacher Incentive Fund competitions focused on including and addressing the needs of students with disabilities.

Next, it is impossible to have a complete discussion about equitable distribution without discussing students with disabilities. There is reason to believe students with disabilities are being disproportionately taught by non-fully certified professionals, especially in low income and/or rural areas. For example, some schools in Louisiana have a concentration of more than 50% of their non-certified teachers in special education. And in California, 50% of all “interns,” – the term California uses to identify teachers who are in the classroom but not fully certified, are teaching students with disabilities.

Finally, students with disabilities have unique learning needs that must be addressed by a well prepared special educator. Research has found that special education teachers with more preparation secure better student achievement gains<sup>1</sup>. Therefore, the expansion of this study to include students with disabilities would provide policymakers and the public with a deeper understanding of the professionals who are serving students with disabilities and, importantly, their distribution in comparison to achievement rates.

**CEC Recommendation:** Require states to report the status of full-state certification in special education for all special education teachers, broken down by district and school, as criteria for evaluating teacher distribution - in Evaluation Question 5.1 and throughout the study.

**CEC Rationale:** It is widely recognized that special educators require unique knowledge, skills and competencies to serve students with a wide range of disabilities. In fact, IDEA

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<sup>1</sup> Feng, L., Sass, T. (2010). *Special education teacher quality and student achievement*. Retrieved from the National Center for Analysis of Longitudinal Data in Education Research. Retrieved on January 4, 2011 at <http://www.caldercenter.org/>

recognized this by mandating that in order for a special educator to be deemed 'highly qualified' the teacher must obtain full State certification *as a special education teacher*, in addition to the requirements to demonstrate core subject matter competency.

Every state collects data on how many special education teachers are fully certified in special education and this information is readily available from the state's certification office. Up until 2006, states reported this data to the U.S. Department of Education and the Department published it. This practice changed when IDEA was reauthorized in 2004, and accompanying regulations were implemented in 2006, to align the IDEA and ESEA definitions of 'highly qualified'. Unfortunately, however, due to a Department regulation which allows states to deem persons participating in alternative route to certification programs as highly qualified, although they are not fully certified in special education, the number of non-fully certified special education teachers currently teaching and where they are teaching is obscured.

Thus, according to the Department's data on [ideadata.org](http://ideadata.org), there are currently 35,000 special education teachers throughout the nation who are not highly qualified; but it is unclear how many are not fully certified in special education. Meaning, that there is a large population of professionals teaching students with disabilities who are not fully certified in special education but we don't know where they are or how they are distributed. The limited information available indicates they are concentrated in rural and low income districts. But more information is needed.

Therefore, it is critical to include the number of special education teachers who have obtained full state certification and their location -- where are they teaching -- to accurately examine the equitable distribution of special education teachers.

**CEC Recommendation:** Require states to report how they are monitoring how districts are meeting ESEA and IDEA's requirement that all individuals pursuing an alternate route to certification and teaching in a school: receive high quality professional development that is sustained, intensive and classroom-focused, participate in a program of intensive supervision that consists of structured guidance and regular ongoing support for teachers or a teacher mentoring program, function as a teacher for not more than three years, and demonstrate progress toward full certification. 34 C.F.R §200.56(a)(2); 34 C.F.R. §300.18(b)(2). Require districts to report how they are meeting these requirements.

**CEC Rationale:** As stated above, based on the limited data available, CEC is concerned that students with disabilities are disproportionately being instructed by teachers who are not fully certified in special education, most of whom are enrolled in alternative route to certification programs and thereby deemed highly qualified. CEC also recognizes the chronic shortages of special educators which have plagued the nation and the need to maintain alternative route to certification programs as one strategy to fill this void. ESEA and IDEA's regulations attempt to address this divide by requiring that any person deemed highly qualified by admission into an alternative route to certification program

must also receive a proscribed level of assistance and guidance while they are teaching. Yet, to date, little information exists on how states meet ESEA and IDEA's requirements.

Indeed, what little research on this exists indicates special education teachers – overall – report they receive less mentoring than their general education counterparts. In a recent study published in *Education Policy Analysis Archives*, very few states require mentoring for new teachers and even in states that do, only 64.4% of all special education teachers reported access to a mentor where 85.6% of their general education counterparts reported such access.<sup>2</sup> While this study did not isolate at what rate teachers participating in alternative route to education programs received mentoring, its overall findings are sobering and indicate that this is an area where more information is needed. As policymakers prepare for the reauthorization of the Elementary and Secondary Education Act, this information will provide critical insight and information to guide the policymaking process.

**CEC Recommendation:** Expand Evaluation Question 3 to ask states to specifically identify how they include professionals who work with students with disabilities in measures of teacher effectiveness.

**CEC Rationale:** Across the nation, Race to the Top recipients and others are grappling with how to evaluate special education teachers, and, more specifically, what information should they use to measure teacher impact on “objective measures of student performance.” While some states are using value added models to isolate teacher impact on student performance, recent research performed by the RAND Corporation and presented at a December, 2010 briefing at the Center for American Progress<sup>3</sup> demonstrates that this methodology is invalid and unreliable in team teaching situations.

For professionals working with students with disabilities, this means value added measurement is of limited use because they typically deliver instruction with at least two or more educators and/or related service personnel. Any study of teacher effectiveness, must request information on this population to ensure that it is adequately represented and included in valid and reliable ways. CEC is concerned that the lack of research and development in this area may result in the omission of students with disabilities and special educators from evaluation systems, or ensure they are included in name only. Thus, CEC urges the Department to ensure that states provide information on what

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<sup>2</sup> Washburn-Moses, L. (2010) *Rethinking Mentoring: Comparing Policy and Practice in Special and General Education*. Retrieved from [http://www.nctq.org/tr3/conference/docs/tr3\\_conf\\_washburn-moses.pdf](http://www.nctq.org/tr3/conference/docs/tr3_conf_washburn-moses.pdf). Retrieved on 3/16/2011.

<sup>3</sup> Steele, J.L., Hamilton, L.S., Stecher, B. M., (2010) *Incorporating Student Performance Measures into Teacher Evaluation Systems*. Center for American Progress, RAND Corporation.

measures of teacher effectiveness and student performance they use for educators who work with students with disabilities.