



**PSEA Advisory on Race to the Top
Prepared by the PSEA Legal and Field Divisions
May 7, 2010**

**Note: This information is current as of May 7, 2010.
As the situation evolves, information could change quickly. Locals should stay in contact
with their UniSerts for the latest information and advice.**

Introduction

This Advisory is intended to address some of the questions that have been raised regarding the Race to the Top (“RTTT”) federal grant program. PSEA continues to circulate new information on RTTT and its ramifications as it becomes available. In the meantime, it is critical that you are aware of RTTT efforts in your area. If you discover that your district is planning to participate in RTTT, contact your UniServ representative immediately. Updated information is available at www.psea.org/RTTT.

What is RTTT?

RTTT is a \$4.35 billion education reform program enacted as part of the American Recovery and Reinvestment Act. The U.S. Department of Education will award RTTT grants to states through a competitive application process. RTTT awards are made in two phases. Phase 1 awards were announced in April, 2010. Two state applications were funded - Tennessee and Delaware. Pennsylvania was a finalist for a Phase 1 grant. On June 1, 2010, Pennsylvania will submit a revised application for Phase 2. If a state does not apply, it will not receive any RTTT funding.

The decision to apply for RTTT funding may have bargaining ramifications for local associations.

How does the application process work?

Pennsylvania, through its Department of Education (PDE), must submit a second application for Phase 2 with a comprehensive reform plan that addresses four key areas (each worth up to a specific amount of points on the application):

1. Developing and adopting common standards and aligned assessments (70 points).
2. Adopting a statewide longitudinal data system to improve instruction (47 points).
3. Improving teacher and principal quality by expanding certification avenues, developing annual evaluation systems that include student growth as one of multiple measures of teacher and principal performance, linking those evaluations to key personnel decisions

(certification, retention, dismissal and compensation, and ensuring the equitable distribution of effective teachers and principals) (138 points).

4. Turning around the lowest performing schools (50 points).

Each application will be graded on a 500 point scale. In addition to the points above, a state can receive up to 125 points for demonstrating certain state success factors; 55 points for general eligibility requirements; and 15 points for having a strong emphasis on science, technology, engineering, and mathematics. Up to 260 of the 500 points are allocated based on the state's past efforts.

PDE sent a letter to all superintendents (dated May 1, 2010) indicating that substantial parts of the state's Phase 2 application remain the same but that it will enhance the application in the area of improving teacher and principal quality by expanding certification avenues.

For more information on the RTTT guidelines and application, see <http://www.ed.gov/programs/racetothetop/index.html>.

How does this affect districts?

In order to secure the most points for its application, Pennsylvania needs to show the extent of support from districts and local stakeholders, including unions (worth up to 45 points). To this end, PDE sent a letter inviting all districts to participate in the Phase 1 application. PDE is re-inviting districts that did not agree to participate in Phase 1 to sign on for Phase 2. Districts that now wish to participate must submit a Memorandum of Understanding (MOU) by May 21, 2010, with the signatures of the district's superintendent, school board president and teacher union president. (See more about the MOU below.)

Those districts that submitted MOUs for Phase 1 have already committed to participate and may not revisit those decisions. They will automatically be included in the state application. They do not need to sign new MOUs.

If Pennsylvania's application is accepted, participating districts will be eligible for portions of the funding if they implement the RTTT reforms.

How much money could be awarded to Pennsylvania and participating districts?

If selected, Pennsylvania expects to receive \$200 million to \$400 million. Fifty percent of the funds must be allocated to participating districts on a per student basis. The state has flexibility to spend the remaining 50 percent on state-level activities, disbursements to districts, and other purposes as the state may propose in its plan.

What is the RTTT timeline?

As indicated above, the state's application for Phase 2 funding is due June 1, 2010. Districts that wish to participate in the funding and the program must submit signed MOUs to PDE by May

21, 2010. Districts that submitted MOUs for Phase 1 are automatically included in the Phase 2 application and do not have to resubmit any MOUs.

What reforms are planned for districts with low-performing schools?

PDE has identified about 150 schools in approximately 31 school districts as the lowest performing school buildings in the state. These are called “turnaround” schools. A district with one or more turnaround school buildings has the option of signing an MOU as a **turnaround** district or to sign an MOU as a participating district. If the district signs the “turnaround” MOU, it will be eligible for additional money. It will also be agreeing to choose one of four specific interventions for its turnaround school or schools. The interventions are described in the RTTT regulations as turnaround, transformation, restart, and closure. All implicate mandatory subjects of bargaining. Each intervention is more fully described below, as provided in the January 5 and May 1, 2010 letters to Superintendents from PDE:

Turnaround

- Hire a new principal and replace at least 50 percent of the staff with highly effective teachers.
- Hire a Chief Turnaround Officer to support the principal.
- Implement rigorous, research-based curricula.
- Increase learning time.
- Use student data to inform and differentiate instruction.
- Provide appropriate socio-emotional supports.
- ***PSEA does not recommend this option.***

Transformation

- Similar to the turnaround model (the principal must be replaced) but without the requirement of 50 percent staff turnover.
- Districts must agree to evaluate teachers using PDE’s model multi-measure evaluation tool; and reward school leaders, teachers and staff who have increased student achievement and remove those who have not.
- ***This is the only model recommended by PSEA for “turnaround” schools.***

Restart

- Convert the school, or close and reopen the school, under a charter school operator, charter management organization (CMO) or an education management organization (EMO).
- Require the operator to meet most of the requirements under the turnaround model.
- ***PSEA does not recommend this option.***

School Closure

- Close the school and send the students to a higher-performing school in the LEA.
- Monitor the performance of affected students.
- ***PSEA does not recommend this option.***

The turnaround and transformation interventions also require the use of PDE's model multi-measure evaluation system, which will take into account data on student growth. The evaluation system will be used to inform decisions regarding teachers' professional development, compensation, promotion and retention. PDE has not yet designed this system, and PSEA will be involved in its development. These interventions also require the use of either PDE's model career ladder or a career ladder developed by the district "in accordance with state guidance." The career ladder will provide opportunities for additional compensation to teachers who take on additional responsibilities. PDE is in the process of development and PSEA will be involved.

PSEA recommends that, in the event a district and local wish to submit a turnaround MOU, the local obtain written assurance from the district, prior to signing the MOU that the district intends to implement the transformation intervention. Contact your UniServ for help in developing this document.

What reforms are intended for districts *without* low-performing schools?

PDE has tentatively identified reforms that are less extensive and will include, among other things, (i) multi-measure evaluations (either the PDE model or one designed by the district and approved by PDE) that include student achievement as a measure, and (ii) the option of adopting a career ladder for promotion and advancement of teachers with additional compensation based on additional responsibility. These reforms will raise bargaining and contractual issues as well.

For more details on the requirements for participating districts and turnaround schools, see the letter from PDE to Superintendents, available at http://www.portal.state.pa.us/portal/server.pt/community/american_recovery_and_reinvestment_act/17696/race_to_the_top_for_pennsylvania_schools/613085.

What are the implications for local associations?

As explained above, districts that wish to participate in RTTT must submit MOUs signed by the district superintendent, the president of the board of school directors, and the local association president. Local associations are not required to sign MOUs; however, if the local does not sign the MOU, PDE will not permit the district to join the state's application.

If a local association signs the MOU, the local is not required to make any changes in its collective bargaining agreement and is not waiving its rights to bargain about any changes the district desires to make to implement the MOU, should Pennsylvania's grant be approved. PSEA ensured that protective language preserving association bargaining rights was included in the MOU.

If a local signs the MOU, it is committing to engage in good faith bargaining with the district regarding the RTTT reforms, if Pennsylvania's application is approved. For this reason, local associations should not sign MOUs unless they (i) understand the state's plan; (ii) are willing to bargain over all aspects of the plan, and (iii) are willing to take any agreed-upon contract changes to a ratification vote by their membership.

When must the locals and districts complete bargaining?

Participating districts will have up to 90 days after Pennsylvania receives notice that its application has been approved to complete detailed work plans that include specific goals, activities, timelines, budgets, key personnel, and annual targets for key performance measures. Awards are scheduled to be made in September 2010. Therefore, within 90 days, participating districts and local associations should have detailed bargaining plans. If the parties bargain in good faith and cannot reach agreement, then the reforms that are mandatory subjects of bargaining or addressed in the CBA will not be implemented. This may result in the district not receiving RTTT funds.

What are the next steps for local associations?

Locals that have not yet, along with their districts, signed MOUs should ask their districts if they intend to participate in Pennsylvania's Phase 2 application. If the answer is yes, the locals should ask for copies of any responses sent to PDE, and for details regarding the specific reforms the district wishes to implement, including any intervention model for turnaround schools. The local should immediately communicate this information to their UniServ representative. With the help of the UniServ, the local should review the district's proposed reforms to identify those that are mandatory subjects of bargaining, those that require changes to existing contract language, and those that require meet and discuss. The local should meet with its UniServ to discuss whether it wishes to sign the MOU.

What support will PSEA provide?

This situation is continually evolving, and PSEA staff from Government Relations, Education Services, Research, Legal, Communications, and Field are working together to identify questions, obtain answers, and better understand the application and grant process, and its impact on districts and our members. We will provide strategy assistance and support locals in whatever decisions they make regarding whether or not to sign MOUs. In the event Pennsylvania's application is approved, we will provide bargaining assistance and recommended bargaining language regarding reforms where needed. Since the period of time allotted for bargaining is so compact, we believe that any local going to the table will need to have a good idea of what they are willing to consider and what reforms their members may support well in advance of the actual negotiations. PSEA suggests that the time between now and September be used to educate the members and develop proposals, rationale and an overall bargaining strategy in case Pennsylvania's grant is approved. This process will also provide an opportunity for locals to develop positive proposals that actually will help improve student performance.