

# EDUCATION STIMULUS WATCH



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SPECIAL REPORT 3

**"We want you to hold us accountable** and make sure that not only is every dollar wisely spent, but these dollars are significantly improving the life chances of children."

**Secretary of Education Arne Duncan**

Briefing to education associations at the Department of Education, April 3, 2009

## The Full Story on **Race to the Top**

By Andy Smarick | March 2010

*This is the third in a series of special reports on the K–12 education implications of the federal government's economic stimulus package, the American Recovery and Reinvestment Act. Look for Andy Smarick's continuing watch on education stimulus dollars on The American's Enterprise Blog at <http://blog.american.com>.*

Over the last year, no education story has garnered more enthusiastic or sustained positive attention than Race to the Top, the \$4.35 billion federal program intended to spur and support groundbreaking state-level reforms. The White House called state responses to the competition "overwhelming."<sup>1</sup> Columnist David Brooks wrote that it was helping to prod a "quiet revolution" in American schooling.<sup>2</sup> The head of one leading education advocacy organization said that it had prompted a "breathtaking" level of state activity, unleashing a "tremendous wave" of reforms.<sup>3</sup>

Seeking to build on these accomplishments, the administration recently asked Congress for \$1.35 billion for a new Race to the Top grant and based its 2011 budget and the Elementary and Secondary Education Act (ESEA)

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reauthorization framework around the program's basic features. The consensus is that Race to the Top has been an unmitigated success.

Such roseate assessments, however, fail to account for the numerous and high hurdles standing in the way of the program's ultimate success. Using multiple examples, particularly from the state level, this report chronicles and analyzes these obstacles, including the application's shortcomings, states' ulterior motives, the limited number of states making substantial policy changes, the weakness of many proposals, strenuous political opposition, and major implementation challenges.

This report concludes that declarations of the Race to the Top's revolutionary impact are both premature and drastically inflated. Federal officials should reassess their overly optimistic view of the program and its theory of action and modify their strategies for ensuring that it accomplishes its mission.

### **The Federal Launch**

The education world's attention turned toward Race to the Top in the spring and summer of 2009 as details of the program slowly emerged from the U.S. Department



of Education. Secretary Arne Duncan heightened the program's distinctiveness and potential by suggesting throughout the first half of the year that a relatively small number of states would win grants and that, in order to compete, states would have to not only put together strong reform-oriented proposals, but also have policy environments amenable to reform.

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The program's promise became clearer in late July when the department released draft documents showing that interested states would have to submit applications detailing how their laws and policies, combined with a large federal award, would advance nineteen key reforms related to charter schools, teacher quality, data use, and more.<sup>4</sup> To better position themselves, a number of states, including California, Illinois, Louisiana, and Tennessee, hurriedly changed obstructionist laws, such as charter-school caps or data “firewalls” that prevent student performance from being tied to teachers.<sup>5</sup> Race to the Top was off to an auspicious start.

But the program hit a significant speed bump in November. The administration's reform inclinations raised the ire of establishment organizations, which, during the public comment period after the release of draft documents, strongly criticized the program's direction and demanded changes. When final documents, including the score card reviewers would use, were released, the consensus—contrary to White House chief of staff Rahm Emanuel's claim that “the rules are as comprehensive and demanding as before”—was that requirements had been watered down.<sup>6</sup> The *Washington Post* editorialized that “draft regulations have been weakened.”<sup>7</sup> The *Wall Street Journal's* editors noted that the administration “eased” rules, “retreating” on a number of matters.<sup>8</sup> One education observer, noting the administration's backtracking, said, “The education establishment got to them.”<sup>9</sup> Equally revealing were the expressions of satisfaction about the

new documents emanating from the nation's two largest teachers unions.<sup>10</sup>

The final application expanded the use of less-aggressive interventions for failing schools.<sup>11</sup> While the proposed priorities explicitly indicated that limits on charter growth were disfavored, the final documents allowed states to earn points with charter caps; for instance, a state could receive “medium points” in this area even if it prohibits charters from comprising more than 5 percent of the total public school sector.<sup>12</sup> (Such a cap is meaningful: nationally, 4.7 percent of public schools are charters, and a number of states have far eclipsed that number.<sup>13</sup>) Moreover, a state could earn “medium points” if charter schools receive only 80 percent of the operational funding of traditional public schools.<sup>14</sup>

If a state forbids charters altogether, it could still receive points for having faux-charter “autonomous” or “innovative” schools (such schools were not mentioned as substitutes for charters in the original documents).<sup>15</sup> And as *Education Week* noted, “In a nod to teachers’ union concerns, the final regulations make clear that student test scores should be just one component of a teacher-or principal-evaluation system.”<sup>16</sup>

Such changes proved to be consequential in short order. For example, after the initial introduction of Race to the Top, Idaho's state superintendent planned to advocate for a charter-cap lift because he did not want his state to be at a competitive disadvantage. But when the final regulations made clear that caps were permitted, he decided against such an effort. A state representative said, “He read the fine print and realized it wasn't necessary.”<sup>17</sup>

Despite such unfortunate concessions, the final documents maintained merit.<sup>18</sup> They still sought major improvements in educator evaluations, compensation, and tenure; they still forced states to address their lowest-performing schools; they still prioritized sophisticated uses of student performance data; and they still favored charter schooling. With the administration's work on preparing the program complete, attention turned to the states. How would they react to this \$4.35 billion challenge?

## The States' Response

The spate of state law changes passed in mid-2009 convinced many Race to the Top observers that the program's influence was already substantial and would only grow over time. But the activities and pronouncements that suggested otherwise were little noticed. In fact, states



provided three reasons to be skeptical that Race to the Top would generate the number and scope of reforms some were suggesting.

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**False Confidence.** The first issue is that many states believed they were already in a great position to win, auguring a distressing level of complacency. In some cases, confidence was found in what are generally considered reform-friendly states. For example, one Louisiana leader said, “We are confident we are going to have the best application in the country.”<sup>19</sup> Rhode Island’s education commissioner saw “very few weaknesses” in her state’s application.<sup>20</sup> Tennessee’s governor said his state had a “head start in the Race to the Top.”<sup>21</sup>

But in other cases, the confidence was more suspect. Despite its lack of a charter law—all but a must-have in order to compete—Maine’s governor said his state would be a strong contender.<sup>22</sup> The state education commissioner of New Jersey—a state with notable barriers to reform—said, “We believe we have an impressive record of accomplishments.”<sup>23</sup> The schools chief of Arizona—which received an F from *Education Week* for its K–12 achievement in 2010—declared that his state had an excellent chance of winning.<sup>24</sup>

In two instances, an outside entity forcefully confronted a state for its overly optimistic claims. Maryland governor Martin O’Malley asserted that his state was in a “very strong position” to compete and expressed disinterest in changing state policies. This was despite Maryland’s having the nation’s weakest charter-school law and timid rules on tenure and other teacher issues.<sup>25</sup> The *Washington Post* chided the governor for protecting the status quo despite serious problems.<sup>26</sup> The *Baltimore Sun* went

further, writing that Maryland was “limping along at a snail’s pace compared to the rest of the pack” and that the state’s leaders did not “seem to understand that none of the groundwork is in place for a successful proposal.”<sup>27</sup> When the governor finally acquiesced, not only was it nearly a month after the first filing deadline, but his proposed legislation was also remarkably timid (discussed below).

Similarly, Ohio governor Ted Strickland was “bullish” on his state’s chances, and his spokeswoman said Ohio is “one of the strongest-positioned states.”<sup>28</sup> However, after conducting a thorough analysis of the state’s laws and policies in light of Race to the Top priorities, the Ohio branch of the Thomas B. Fordham Institute noted that the state “is not as well-positioned for RTT [Race to the Top] dollars as many lawmakers, educators and others are claiming.”<sup>29</sup> Responding to a state legislator’s claim that “Ohio already has an A; we want to make it an A+,” the organization said, “that strikes us as either ill-informed or Panglossian.”<sup>30</sup> These serious reservations about the state’s commitment to reform would soon place Ohio at the center of another Race to the Top controversy (discussed below).

State complacency raised at least four disquieting questions. Would states change their education policies? If so, how meaningful would these changes be? Would state applications seek funding to pursue different activities or—since things were already satisfactory—just preserve the status quo? If applications did appear to chart a new course, would reform initiatives be vigorously implemented?

**Wrong Reasons for Reform.** A second concern is that many states were giving the impression that they were competing not because they were deeply committed to reform, but because the recession had decimated their budgets. Nevada schools superintendent Keith Rheault compared Race to the Top to a high-interest-rate credit card offer: “It just depends on how desperate you are for the money.”<sup>31</sup> He later said, “When you’re starving and somebody puts food in your mouth, it’s amazing what states will do.”<sup>32</sup>

Examples soon followed. Massachusetts governor Deval Patrick dropped his years of charter opposition only after a visit from the administration indelicately delivered the message that the state’s charter cap would seriously disadvantage it in the competition.<sup>33</sup> Similarly, New York governor David Paterson dropped his opposition to a charter-cap lift, saying, “There is a potential \$400 to \$700 million that can come into this state to



help pay some of these bills. Seven hundred million would be very helpful right now.”<sup>34</sup>

In state after state, others were similarly direct. Illinois governor Pat Quinn said, “We want to get Illinois in that race and make sure we get as much money as possible from Washington.”<sup>35</sup> Even Ohio’s reform-minded senator Jon Husted said, “During these tough and uncertain financial times, I believe it is imperative that Ohio be in a strong position to take advantage of the Race to the Top dollars.”<sup>36</sup> A Wisconsin legislator angry about the lack of teeth in an ostensibly reform-oriented bill unknowingly spoke to a much larger phenomenon when he fumed, “This is basically a race for the money, not a race for the top.”<sup>37</sup>

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Most observers have overlooked or downplayed such statements, believing it does not matter why states pursue the program’s goals, as long as they do. But this fails to account for the deeply troubling mindset that has been revealed and its ominous implications. If a state is in it just for the money, it could merely go through the motions, publicly professing support for reforms and meeting minimum requirements but failing to faithfully pursue and implement bold changes. For example, a state could create a new intervention for failing schools, but would it be any different than previous failed attempts? A state could link student-test data to educators, but can that information be used to terminate the lowest-performing teachers?

There is certainly reason to ask such questions. In order to continue receiving federal funds under No Child

Left Behind (NCLB), districts had to create policies for public-school choice and supplemental education services. But because they disliked these policies, districts refused to carry them out fully, and millions of students with statutory rights to educational choice were unable to exercise them.

But there is an equally worrisome consequence of states’ focus on the money: the durability of changes that do occur. We must remember that for decades political forces prevented reform. This juggernaut has only been threatened in recent months through the confluence of two highly unusual conditions: a terribly long and deep recession and an unprecedented federal competitive grant program. But these two conditions are temporary—the recession and Race to the Top will end—while the antireform forces are not. That is, there is no guarantee that the reforms purchased with Race to the Top funding will outlast their funding stream.

In other words, this may be a short romance. We should not be surprised to see many of the officials who warmly embraced reform because of tough budgets and federal largesse turn cold when political conditions return to normal. Charter caps could resurface, data firewalls could be rebuilt, performance-pay plans could be defunded, and meek interventions for failing schools could return. In Henry James’s *Washington Square*, Morris’s affection for Catherine faded swiftly when her trust fund was taken away. Reform may be similarly jilted by its equally money-hungry suitors.

**States’ Defensiveness.** A third reason for concern about the states’ response to the reforms in Race to the Top is that a significant number of state leaders bristled at the program’s forwardness. A district superintendent in Virginia wrote that the regulations “give the impression that stimulus funds provide the federal government with unbridled capacity to impose bureaucratic demands.”<sup>38</sup> California attorney general Jerry Brown wrote of their “command and control philosophy” and urged the department to show humility.<sup>39</sup> The Massachusetts affiliate of the National Education Association criticized its “bureaucratic, top-down, one-size-fits-all requirements.”<sup>40</sup>

A specific criticism in this vein was that the federal government was presuming, erroneously, that it knew best what states needed. Montana did not apply in the first round and may not apply at all; its state superintendent explained, “It’s really pushing an urban agenda onto our rural states.”<sup>41</sup> Vermont’s education commissioner concurred, complaining that his rural state was disadvantaged because of the program’s focus on charters, which help



cities.<sup>42</sup> South Dakota offered a striking example of this disconnect: a substantial portion of its proposal is dedicated to the historical challenges faced by Native Americans on sparsely populated, low-income reservations and the academic struggles of their students.<sup>43</sup> The application, however, is not designed to address such issues.

Texas provided the best example of state frustration when its governor announced that it would not apply for funds in either round, saying, “We would be foolish and irresponsible to place our children’s future in the hands of unelected bureaucrats and special-interest groups thousands of miles away in Washington.”<sup>44</sup> Such comments raise some of the same concerns mentioned above and a number of new ones. Perhaps a nontrivial number of states will not apply. Maybe a significant number of those that do apply will disregard or halfheartedly address the administration’s priorities. Potentially, states could give lip service to Race to the Top initiatives in their applications while having little intention to execute them down the road.

Observers should remember that states instituted standards and assessments as required by NCLB, but many, affronted by Washington’s hubris, produced weak standards and easy assessments, frustrating the law’s intent. Race to the Top received its name because it was designed to be the antithesis of this phenomenon, known widely as the “race to the bottom.”

Nevertheless, the statements above raise the specter that Race to the Top, too, could suffer from the federal government’s assumption that states will enthusiastically implement Uncle Sam’s dictates. In due course, many of the states’ concerns could be realized, and others could cast a shadow over future buoyant hopes and expectations.

### Reforming State Laws

As many have noted, a number of states changed education policies in order to better position themselves in the competition. Some of these changes were quite significant.

California and Michigan were particularly instructive. For years, both states went without important reforms largely as a result of fierce political opposition. But in the months leading up to the first application deadline, both crafted and then passed wide-ranging legislation. When two rival bills—one considerably stronger than the other—advanced through California’s legislature, Governor Arnold Schwarzenegger fought vigorously for the better one and threatened to veto its competitor.<sup>45</sup> His favored bill, which he hailed for including reforms

that once seemed impossible, eventually passed. It empowered the state to close failing schools or convert them to charter status, it gave parents of students in failing schools the right to petition for serious school interventions, and it authorized a method for linking student performance to teacher evaluations.<sup>46</sup>

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Throughout late 2009, Michigan legislators wrestled over a number of proposed reforms. In January, just before the state had to submit its application, legislators agreed to permit more charters and state takeovers of failing schools, lift the dropout age to eighteen, tie students’ test scores to teacher evaluations, and create alternative pathways into teaching. The state superintendent said, “This is a game-changer, forever.”<sup>47</sup>

A number of other states also made progress at the last moment. Massachusetts passed a law in early January lifting the limit on charters and giving superintendents more authority with regard to failing schools and underperforming teachers.<sup>48</sup> Iowa and Kentucky began their 2010 sessions by passing reform laws.<sup>49</sup> Just before the application deadline, Illinois passed legislation strengthening the link between teacher and principal evaluations and student performance.<sup>50</sup>

Tennessee passed legislation changing how teachers are evaluated and making it easier for the state to take over failing schools.<sup>51</sup> Before his governor decided the state would not apply, Texas’s education commissioner moved to make it easier for high-performing charters to expand.<sup>52</sup> Indiana improved rules related to the use of data.<sup>53</sup> Florida began using its state assessment to evaluate



teacher-preparation programs.<sup>54</sup> Ohio allowed K–12 student data to be linked to college information.<sup>55</sup>

These changes are certainly noteworthy, and they have been cited liberally as evidence of Race to the Top's astonishing success. But closer inspection reveals that the full story of states' legislative changes is more complex and less exhilarating than many have contended. Despite strong backing from the governor and the Big Apple's mayor, New York's legislature refused to lift the charter-school cap or pass a number of other valuable reforms.<sup>56</sup> Wisconsin rejected efforts to give Milwaukee's mayor control of the city's schools.<sup>57</sup>

Not a single state prohibiting charter schools in early 2009 was able to leverage Race to the Top to pass a charter law. Kentucky passed a modest reform law but left charters out; Maine's state senate considered and then voted down charter legislation; and, though its governor and state board of education were in support, Alabama, too, failed to pass a charter law.<sup>58</sup>

In a number of states, ballyhooed reforms turned out to be tepid. Wisconsin changed its data-firewall law, but test scores still cannot be used to remove low-performing teachers from the classroom.<sup>59</sup> Oregon now allows teacher evaluations to be tied to student learning, but any use of such data in compensation or dismissal decisions has to be approved at the local level by unions.<sup>60</sup>

Tennessee and Illinois were widely praised for lifting their charter caps early in the competition, but both efforts were modest. Tennessee's change only allows for forty additional schools; not only could these additional slots be filled in a year or two, but the cap would still limit charters to approximately 5 percent of the state's total public-school sector. Illinois's raised cap will still limit charters to less than 3 percent of the public-school sector in the state and approximately 10 percent in Chicago—far below the rate in other nearby big cities.<sup>61</sup> Similarly, Iowa technically lifted its charter cap, but the law still bars new charters (only conversions are allowed) and permits only school districts to be authorizers.<sup>62</sup> In Maryland, the governor's proposal would increase tenure decisions from two years to three, allow performance pay only if federal funds were won, and leave dangerously ambiguous the degree to which student performance can be used in teacher evaluations.<sup>63</sup>

Oregon took a step backward, imposing new restrictions on the growth of cyber charter schools.<sup>64</sup> And many states—including Alaska, Arkansas, Connecticut, Idaho, Kansas, New Hampshire, North and South Dakota, Mississippi, Virginia, Washington, and West Virginia—did little or nothing to improve their standing.<sup>65</sup>

Though many have hailed the comprehensive and astounding influence of Race to the Top on state laws, it is probably more accurate to see these legislative changes as falling into three categories: significant, modest, and minor/nonexistent. Moreover, almost certainly, the “significant” category is the least populated of the three. Indeed, as Democrats for Education Reform's Charles Barone, one of Race to the Top's most watchful observers, noted, “There's only about seven or eight states that really presented plans, passed laws, took administrative actions to take their school reform to the next level.”<sup>66</sup>

## Crafting Applications

While the quality of a state's policy environment is critical to its chances in the competition, of even greater importance is the substance of its proposal. The final program regulations require states to submit applications that address a wide array of issues and explain how all of the reforms will be implemented and work together.

Crafting proposals proved to be a daunting task. Federal officials estimated that each state would need to dedicate 681 hours to the job.<sup>67</sup> Beyond providing information typically required by federal grant applications, such as program descriptions and project budgets, states also faced a considerable public-relations challenge: they needed to develop change-centric applications that could be supported by often change-averse stakeholders.

A common tactic was to create large public application teams. Oregon put together a twenty-two-person design team of educators and outside activists.<sup>68</sup> Rhode Island organized a twenty-three-member steering committee, which included legislators, parents, K–12 and higher education leaders, and union officials.<sup>69</sup> Missouri gathered three hundred people at a public meeting to begin crafting its plan.<sup>70</sup> Colorado started its outreach in February 2009 and held dozens of public meetings; by November, the state estimated that five thousand hours had been spent on the effort.<sup>71</sup>

Other states, however, developed plans less publicly, concerned that others would pilfer their best ideas. Regardless of the level of openness of the process, in most cases the final application was largely a joint product of the governor's office and the state's department of education. But who played the most visible role varied from state to state. In some cases, such as Florida and Rhode Island, the state schools chief played the leading role, at least publicly. In others, such as California and Tennessee, the governor was a central figure, and in Colorado, the



lieutenant governor was the driving force. In Delaware, a leading nonprofit organization played a key role.

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When the mid-January application deadline arrived, forty states and the District of Columbia had submitted proposals. Among the states that did not apply, the most common reason was the state’s realization that it needed to change policies in order to be competitive. Leaders in Maine, Maryland, and Nevada, first-round holdouts, expressed their intentions to apply in the second round after passing reform legislation.<sup>72</sup> However, several rural states might not, and Texas will not, apply at all.

Though first-round applications are hundreds of pages in length and vary in countless ways, certain commonalities and interesting distinctions emerged. For instance, it was common for states to claim, often dubiously, that they had been pursuing Race to the Top strategies for years. Applications also regularly had a fair share of hokum. One state said its application “is about the future, and the future is now.”<sup>73</sup> Another wrote that its submission was the product of strategizing and dreaming.<sup>74</sup> One state arranged its goals and strategies into an acronym that served as the title of its application: “INSPIRED.”<sup>75</sup>

In terms of similarity of substance, a number of proposals, including Florida’s, Louisiana’s, and Indiana’s, promised to have students’ test scores account for at least half of teachers’ evaluations.<sup>76</sup> Florida and Louisiana have plans to implement merit pay for high-quality teachers.<sup>77</sup> A number of states, such as Oregon, plan to develop more aggressive methods for identifying and addressing failing schools.<sup>78</sup>

Some state applications set themselves apart with valuable ideas. Delaware intends to allow only teachers who demonstrably improve student learning to be rated as

effective.<sup>79</sup> Louisiana had a particular focus on the quality of school leaders.<sup>80</sup> Indiana proposed revoking the licenses of persistently ineffective teachers and the accreditation of persistently ineffective educator-preparation programs.<sup>81</sup>

There were, however, recurring themes that warranted concern. The most common was states’ pronouncing their support for reforms while failing to pass the policies necessary to support them or explicitly postponing critical decisions. Arkansas, for example, rather than passing performance-pay legislation, promised to bring stakeholders “to the table to study how a statewide model for differentiated compensation could work.”<sup>82</sup> Connecticut followed the same course, saying that such programs would be negotiated later with stakeholders; decisions would be made at the district level through collective bargaining. And rather than officially changing its tenure policies, it will “review and discuss” them.<sup>83</sup> South Dakota’s application postpones decisions on addressing failing schools.<sup>84</sup>

A number of states distinguished themselves with particularly disappointing elements. Connecticut left large sections of its application blank, a glaring deficiency identified by state reform advocacy organization ConnCan, which compared it to a “high school student applying to college with a transcript full of incompletes.”<sup>85</sup> Alabama plans to rely on the weakest intervention available for failing schools (the “transformation” model) because it is similar to what the state has done in the past.<sup>86</sup>

Worse, a number of events have called into question the extent to which we can take seriously the promises in proposals. In Kansas’s application, local unions are able to withdraw their support from the plan if they disapprove of their districts’ implementation of its provisions.<sup>87</sup> Similarly, in Indiana, districts are allowed to drop out of the program if they cannot develop suitable work plans.<sup>88</sup> Several Michigan district superintendents admitted to supporting the state plan only because they could back out later.<sup>89</sup> One district school board member in Florida recommended her board sign on to the state application for the same reason.<sup>90</sup>

This wide variation in the quality of applications raises at least two critically important issues. First, it counters the leading account of how Race to the Top would work. The common argument was that states, eager for the funding and prestige associated with winning an award, would vigorously try to top one another, leading to nearly uniformly groundbreaking applications. Clearly, that did not turn out to be the case.

Second, it compels us to ask why some states submitted deficient plans. A close review of state-level activities during 2009 provides one persuasive answer. Though



many observers have happily noted that in some states a disparate group of leaders collaborated to pass reforms, a more consistent and striking phenomenon was teachers unions' strong opposition to meaningful change.

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### Unions Strike Back

With Race to the Top garnering so much praise and state policy changes receiving so much ink, it would be easy to assume that a comprehensive national consensus had developed around key reforms. But in state after state, union leaders energetically resisted a number of the program's priorities and the state-level momentum building behind them.

In both Michigan and California, teachers unions strongly opposed the reform legislation passed in advance of the application deadline.<sup>91</sup> In the former, the state union's lobbyist said reforms being advocated by the state superintendent would hurt education.<sup>92</sup> In the latter, the union charged that the proposed reforms “would create chaos in school districts and drain resources from local classrooms . . . [and] would punish lower-performing schools without providing needed assistance.”<sup>93</sup>

In New York, the state's teachers unions played a leading role in the failure of reform legislation.<sup>94</sup> In Minnesota, a union leader criticized the state's reform proposals, saying they would result in “more bureaucracy, more top-down control from the state into our local school districts, and more testing at the expense of great teaching.”<sup>95</sup> The New Jersey Education Association strongly opposed the state's Race to the Top efforts; its president called the state's plans “severely flawed.”<sup>96</sup>

In some places, state leaders pushed ahead with reforms despite union opposition. This is noteworthy for

sure, but some have read too much into these developments, believing that the war for reform has now been won. It is important to remember that, as discussed above, these victories took place within the atypical and time-delimited context of unprecedented deficits and federal enticements. Indeed, it is probably not a coincidence that two of the states that passed the most far-reaching reforms after years of sturdy opposition (California and Michigan) are also facing among the nation's largest budget holes. In other words, unions did not lose the war; they lost a battle in which unusual and temporary conditions severely attenuated their influence.

Reformers might well expect a vigorous counter-offensive when Race to the Top funds expire; at that point, unions and other reform opponents may find themselves rejuvenated, mobilized, and positioned on more favorable terrain. Those convinced that unions' might or willingness to publicly oppose reform is on the wane should carefully consider one of Race to the Top's most fascinating and underreported subplots. Due to one facet of the application—the need for broad stakeholder support—unions and other establishment organizations were afforded an avenue outside of state legislatures to exert influence on state plans. Far from being chastened or powerless, they took full advantage of it, using it to great effect.

### Withholding Stakeholder Support

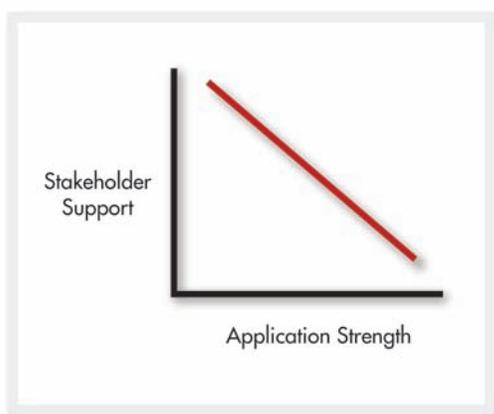
The most obvious indicator of a state's commitment to reform is the substance of its proposal—which initiatives it asks the federal government to fund. The Department of Education sought to force reform on the state level by making clear through the application precisely which direction it wanted states to take. But the department also realized that, in order to have confidence that a state would fully and faithfully implement all elements of its proposal, that state would need to have broad support for the application across its many stakeholders—school boards, unions, and so forth.

Accordingly, federal guidance placed a premium on both elements in state proposals: a strong, reform-oriented plan and evidence of broad stakeholder support. In speeches, Duncan emphasized this point, noting that a state could only win if it had an expansive vision and a proven ability to bring it to fruition.<sup>97</sup>

The problem, however, is that many stakeholders—especially unions—simply do not like many Race to the Top reforms. The most optimistic observers, probably including those within the administration, envisioned a

process by which a state's leaders would assiduously court and convert skeptics, eventually producing an application with strong substance and strong support. This, however, significantly underestimated the animus to reform in some camps. Instead, states had to decide between putting together strong plans for reform and appeasing their many stakeholders. Indeed, the picture that emerged during the application development process was a clear inverse relationship between the two factors (see the figure). The only question for each state was which factor would dominate.

**Figure: The State Proposal Dynamic**



Some states opted for a strong application, but that cost them stakeholder support. Michigan, for example, crafted a strong plan, and one district superintendent told state legislators that “they were prostituting themselves” for a federal grant.<sup>98</sup> The state teachers union called the proposal flawed, refused to support it, and encouraged its local affiliates to oppose it.<sup>99</sup> In total, only 6 percent of district memoranda of understanding with the state (signaling willingness to cooperate) were signed by union officials.<sup>100</sup>

Louisiana put together a strong initial plan and even scaled back a portion related to teacher evaluations in order to generate more support.<sup>101</sup> But the state school boards association derisively called it an “experimental program” and encouraged its members not to participate.<sup>102</sup> In the end, far fewer than half of districts signed on.<sup>103</sup> Florida’s plan, which would have required participating districts and unions to renegotiate union contracts to align with the proposal, was ultimately opposed by the teachers union in the state’s largest district and the union and school board in the second largest.<sup>104</sup> In a number of states, including Arizona, Missouri, and the District of Columbia, the state

teachers unions opposed the proposal because it sought to tie teacher evaluations to students’ test scores.<sup>105</sup>

In several states, officials crafted a strong opening plan and then decided how much to give up in order to buy union support. The best example is Colorado, where state leaders decided to weaken provisions related to teacher evaluations, tenure, pay, and dismissals in order to get more stakeholder support. The *Denver Post* reported that Lieutenant Governor Barbara O’Brien, who spearheaded the state’s effort, determined “she would rather have the support of teachers and their union than forge ahead with a plan that schools are unhappy with.”<sup>106</sup>

In Rhode Island, the state commissioner spent the last days before the deadline negotiating with the state’s teachers unions and making changes to address their concerns.<sup>107</sup> Provisions related to teacher evaluations and revoking the licenses of low-performing teachers were modified but generally remained strong. As a result, the state teachers union that represents suburban and rural districts withheld its support, and only one urban-district union supported the plan.<sup>108</sup> That union’s leader said the state agreed to have issues related to wages, benefits, and working conditions remain subject to collective bargaining.<sup>109</sup>

In states that were able to earn broad stakeholder support, the price was high. Kentucky’s education commissioner came out against the passage of the state’s first charter law because of union and district opposition. All 174 districts signed on.<sup>110</sup> Oregon’s union cooperated because provisions related to data use were weakened.<sup>111</sup> A compromise that won the support of Tennessee’s union decreased the use of test data in teacher evaluations.<sup>112</sup>

Ohio’s plan earned the support of both major unions and the largest districts by including a number of watered-down provisions related to charters and evaluations.<sup>113</sup> Connecticut’s application was supported by both statewide teachers unions, probably in no small part because the section on removing ineffective teachers says nothing about removing ineffective teachers. Instead, those with unacceptable performance levels will be subject to undefined “intensive evaluation phases” and will receive professional development.<sup>114</sup>

This inverse relationship between application strength and stakeholder support creates a major challenge that has been almost entirely overlooked. A bold proposal with little support from unions and districts will likely lead to reforms that are implemented in few locations and to limited effect. A widely supported but weak plan will generate minor change. Neither category is particularly heartening for those hoping that this multibillion-dollar investment will revolutionize public schooling.



## The Low Bar for Finalists

On March 4, the Department of Education provided a final significant reason to be concerned about the program's ultimate impact when it announced the first-round finalists. Despite promises to set a "very, very high bar," Duncan moved forward sixteen states, more than one-third of applicants.<sup>115</sup> Several of these had serious deficiencies.

Kentucky lacks a charter-school law altogether; its state schools chief opposed charter legislation in early 2010 to appease unions. New York considered and rejected a serious reform package in advance of the filing deadline. Ohio's proposal was weak in numerous areas. Colorado and Tennessee compromised on provisions related to teachers. Charter-cap lifts passed by Illinois and Tennessee were minor. Comments by leaders in Illinois, Massachusetts, New York, and Ohio prompted speculation about whether reform or money was the real priority.

Though the Department of Education quickly said that a small number of these states would win in the first round, the selection greatly undercut the program's influence. First, the department lost considerable leverage by naming so many finalists. With the penultimate seal of approval, these states would certainly feel less pressure to continue improving their policies. Second, by blessing several weak proposals like Ohio's and Kentucky's, the department showed nonfinalists that the bar was not all that high. States now know that major reforms and bold proposals are not required to make it to the last stage.

Had the department selected very few finalists, it would have delivered the clear message that only the very best applications have a chance, thereby compelling states to improve their policies further and propose bolder plans. Beyond this critical strategic error, the department's decision revealed what may be a worrisome pattern. Though draft documents were strong, the finals were weakened, and though the department promised to set the bar high, deficient applications moved forward. Now, when it promises to make few awards, we must wonder.

## Conclusions

Race to the Top has engendered enormous expectations and enjoyed remarkably consistent and positive coverage. The enthusiasm has some believing that the program is already a certain success. Indeed, the administration is seeking from Congress more than a billion additional

dollars to extend its reach and has based its 2011 budget submission and ESEA reauthorization approach on the program's underlying theory of action—that the federal government can bring about massive positive change through large competitive grant programs.

But the evidence already at hand demands a significant reassessment. The applications were not as strong as they might have been. Many states made little or no effort to change their policies, many considered and rejected reforms, and many reforms that were passed were modest at best. Many state applications had extensive shortcomings: some ducked important issues, and others included markedly weak provisions. The inherent trade-off between proposal strength and stakeholder support compromises the potential of the reforms that are ultimately funded. The height of the Department of Education's bar is in doubt.

Moreover, events to date strongly suggest a number of additional reasons to harbor misgivings about the program's future influence. A number of states may not apply at all. A state's proposed projects may be similar to those it already has underway. States may not fully or faithfully implement their planned reforms, or reforms could be rolled back as federal funding dries up and opponents recover. Finally, even if all preliminary pieces fall neatly into place (a sufficient number of strong and broadly supported applications, forceful implementation, and ongoing support from political leaders)—a tall order indeed—there is no guarantee that the reforms the administration embraced will bring about wholesale improvement in America's schools.

Though much water has already passed under the bridge, four courses of action are now in order. First, program cheerleaders should temper their predictions, and observers should ratchet down their expectations. Second, with the number and scope of the program's challenges now clear, policymakers should cease efforts to expand the program's footprint. Until more is known about its implementation and consequences, and until indisputable evidence of its positive influence on student learning is available, no new funding should be appropriated, and it should not be used as a model for other programs.

Third, the Department of Education must recognize the limited number of forces it can still control (for example, how closely it investigates the promises in state applications and how it ensures that states are executing plans) and then maximize its influence. For instance, federal officials should know how every proposed initiative



in a state's plan differs from its current practices; they should have a precise sense of what each project's successful implementation will look like. Insufficiently novel and promising initiatives should be left unfunded; allotments should be distributed piecemeal and guardedly, contingent on the achievement of benchmarks; and hair-trigger mechanisms should be in place to rescind awards if implementation falters or reform policies are weakened.

Finally, unless the department believes a state has submitted a perfect application in the first round, every single submission should be denied and returned to the state with a detailed list of improvements. Only this would deliver the message that Race to the Top represents an unprecedented opportunity and that anything short of exceptional is not good enough. The only applications that cannot be improved are those that are accepted. The second round should be the ultimate contest: all interested states, each doing its utmost, fighting to win a share of funding in a one-time-only competition.

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114. See Connecticut's Race to the Top application.

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