A New Politics of Education?
The Enactment and Implementation of Teacher Effectiveness Legislation under “Race to the Top”

Presented to
the Department of Government
in partial fulfillment of the requirements
for the degree with honors
of Bachelor of Arts

Harvard College
March 2012
# Table of Contents

**Chapter 1: Introduction** .................................................. 3

**Chapter 2: Theory and Context** ...................................... 8

*The Regime Framework*

*Factors Influencing State Responses to Race to the Top*

*Conclusion*

**Chapter 3: Methods and Results** .................................. 37

*Methods*

*Results*

*Discussion*

**Chapter 4: Case Studies** ............................................. 63

*Case Study Rationale*

*Delaware*

*Georgia*

*Hawaii*

*Tennessee*

**Chapter 5: Conclusions** ............................................. 94

**Bibliography** ............................................................... 103
Chapter 1: Introduction

Over the past decade, policymakers at all levels of the American education system have expressed growing interest in measures to improve teacher quality. This attention reflects an emerging consensus among researchers that teacher quality is the most important school-level factor in determining student achievement and that teacher effectiveness varies widely both across and within schools. Adjusting for other factors, students with higher quality teachers are also likely to earn more, attend college, live in better neighborhoods, and are less likely to become teen parents.¹ The strength and consistency of these findings have led many advocates to question the adequacy of existing teacher evaluation policies, which typically fail to take into account teachers’ impact on student outcomes, and to propose new evaluation systems that incorporate measures of teacher performance based on student achievement data.

In the last three years, 17 states passed laws requiring that teacher evaluation systems include growth in student test scores as one indicator of teacher performance. In some cases, these laws also mandate that new evaluations be used to inform decisions concerning staffing, tenure, and compensation. Although a limited number of school districts had previously experimented with the use of similar measures of teacher performance in teacher evaluation, requiring this approach as a matter of state policy was essentially unprecedented.²

² In 1999, the Florida legislature passed the A+ Plan for Education (CS/HB 751), which required that districts evaluate instructional staff each year based primarily on student learning gains. Although similar to the laws recently enacted in other states, the policy was not consistently enforced.
The surge in what I will refer to as “teacher effectiveness legislation” reflects a recent shift in federal attention to the issue of teacher quality. The federal government only recently started to intervene to improve teacher quality, and did so only by monitoring certification status, which research has not shown to be a strong predictor of teacher performance. Through the recent Race to the Top (RTTT) competitive grant program, however, the federal government encouraged states to adopt rigorous teacher evaluation systems and policies tying evaluation results to personnel decisions in order to win a share in 4.3 billion dollars of American Reinvestment and Recovery Act (ARRA) funds. The Obama administration has continued to emphasize the same policies related to teacher effectiveness by requiring states to develop teacher evaluation systems that take into account student growth as a condition for receiving a waiver from the No Child Left Behind Act (NCLB), and by proposing mandatory teacher evaluation systems in its blueprint for the reauthorization of the Elementary and Secondary Education Act (ESEA). Interestingly, these policies have garnered support from both sides of the aisle, as Republican Representative John Kline also included a teacher evaluation mandate in his own ESEA reauthorization proposal.

In this thesis, I examine the new federal attention to teacher quality using a “policy regimes” framework. A policy regime can be defined as a set of ideas, interests, and institutions that structures governmental activity in a particular

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Patrick McGuinn argues that the federal government has experienced two regime shifts in the history of education policy. The first, marked by the passage of the Elementary and Secondary Education Act (ESEA) of 1965, represented a shift from a limited role in setting education policy to a larger role focused on ensuring educational equity and providing resources for disadvantaged populations. The next regime shift occurred with the most recent authorization of ESEA, the No Child Left Behind Act of 2002, in which the federal government shifted from focusing on equity to promoting school-level accountability systems as a means to improve weak academic performance. I argue that there has been another, more recent regime shift in federal education policy from a role focused on school-level accountability to one focused on ensuring teacher quality. I refer to this new regime as the “teacher effectiveness regime.” Though we do not know whether this regime will be durable, we have begun to see this shift as a result of changing partisan norms and relationships, a new emphasis on the importance of teacher quality in promoting student achievement, as well as a trend toward an increasing reliance on competitive grants to drive state reform efforts. I argue that the “Great Recession” served as a policy enabler that gave the federal government the opportunity to provide incentives for states to enact teacher effectiveness legislation through the Race to the Top (RTTT) program.

However, although the overall increase in teacher effectiveness legislation can be attributed to incentives posed by the Race to the Top program, this logic does not explain why the specific group of 17 states passed legislation in order to

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become more competitive in the grant process. While various commentators have analyzed how these policies are likely to impact teacher quality, researchers have not yet systematically investigated the political, academic, and financial factors that may have facilitated the development and enactment of these reforms. One goal of this project is therefore to explore what motivated this diverse group of states to pass teacher effectiveness legislation during this time. To that end, I conducted a quantitative analysis of the academic, political, interest group, and contextual factors that may have influenced state-level teacher effectiveness legislation passage during the Race to the Top period. As expected, I find that states with weaker academic performance and those that experienced larger decreases in state tax revenues as a result of the recession were more likely to pass teacher effectiveness legislation. However, while traditional accounts of the politics of education suggest that states under Republican control and with weak teachers unions would be more likely to pass such laws, I find that union strength was positively correlated with law passage and strength, while no correlation existed between partisan control and law passage and strength.

Another distinctive feature of this new “teacher effectiveness regime” has been the use of competitive grant programs as a lever to drive change at the state level. However, despite the overwhelming response to federal incentives posed by RTTT, states that proposed reforms to their teacher evaluation systems are currently facing numerous implementation challenges. Therefore, a second issue I explore is how states’ Race to the Top application strategies affected their ability to implement teacher effectiveness reforms. In order to do so, I conducted an in-
depth case study analysis of four states that won Race to the Top grants. I find that while states faced incentives to adopt statewide policies to compete for federal funding, many left defining key aspects of their evaluation systems to the collective bargaining and negotiation processes in order to appease stakeholders. After winning RTTT grants, states struggled to define quantitative measures of teacher performance in non-tested grades and subjects, and had little incentive to follow through with their Race to the Top proposals. Therefore, many states adopted weaker versions of their original evaluation plans in their first year of implementation.

I begin my analysis in Chapter 2 by examining recent trends in federal education policymaking through the “regime” framework. This chapter also draws on standard accounts of state education politics to identify characteristics that might explain variation in states’ responses to federal attempts to reform teacher evaluation systems. In Chapter 3, I present the methodology used in my quantitative analysis of the predictors of states passing teacher effectiveness legislation during this time, as well as the results of my analyses. In Chapter 4, I conduct case studies of four states that underwent teacher evaluation system reforms. These states were selected based on my quantitative finding that states with strong unions were more likely to pass teacher effectiveness legislation. Finally, in Chapter 5, I synthesize the findings of my quantitative and qualitative analyses and discuss their implications for federal and state policymaking and policy implementation.
Chapter 2: Theory and Context

The Regime Framework

Numerous scholars have used the “policy regime” framework to understand the broad political developments and institutional arrangements that structure federal policymaking. This approach serves as an alternative to two popular descriptive models of the American political system: the stasis school and the dynamic school. Political scientists from the stasis school emphasize the extent to which the political system is resistant to major policy change. Some scholars from this school of thought see our fragmented federalist system and preference for limited government as barriers to creating national programs, while others believe our bureaucratic institutions prevent major policy changes from occurring. Conversely, those in the dynamic school characterize the political arena as being relatively open and responsive to pressures for change. These scholars emphasize the importance of electoral competition in pressuring policymakers to respond to changing public opinion, and therefore see policy change as more likely. Alternatively, Patrick McGuinn argues that these perspectives can be reconciled by studying the development of public policy in a given issue area over an extended period of time. Such a long-term perspective reveals that although policy remains stable for extended periods of time, substantial change is nonetheless possible under certain conditions.

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9 McGuinn, No Child Left Behind, 15.
The “regimes” approach argues that policy regimes are organized around a specific issue and consist of three dimensions: power arrangements, a policy paradigm, and the policymaking arrangements, which combine to produce a distinctive pattern of policymaking and policies.\(^{10}\) *Power arrangements* focus on the alignment of interest groups and governmental actors on the issue; the *policy paradigm* refers to how the issue is defined by elites and the public; and the *policymaking arrangement* refers to the institutional and procedural context for making decisions about the issue and the implementation process for how these decisions are carried out.\(^{11}\) While supporters of a particular policy regime use these forces to protect the status quo, power shifts and institutional changes can induce reformers to force a reconsideration of existing policies.\(^{12}\) Thus, regime change is difficult, but possible and likely to occur through gradual shifts in these three areas as well as when a *stressor* or *policy enabler* allows the reforms to take hold.\(^{13}\)

Many scholars have examined the institutional factors that tend to make implementation difficult when faced with the policies of a new federal “regime.” Researchers from the *path dependence* school of thought suggest that institutions tend to remain in equilibrium and are difficult to change because they generate positive feedback mechanisms that set them on developmental trajectories that are difficult to reverse.\(^{14}\) Others suggest that no equilibrium is completely stable, and

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10 McGuinn, *No Child Left Behind*, 16.
11 McGuinn, *No Child Left Behind*, 17.
instead, powerful interest groups tend to create “policy monopolies,” in which they push against each other but tend to balance each other out, resulting in policies that champion the status quo.\textsuperscript{15} A change occurs when “policy monopolies” are challenged and the issues are thrust into the larger political arena through changes in public opinion.\textsuperscript{16} Finally, some argue that major policy changes are likely to endure only when new interest groups are actively engaged in the policymaking process. As Eric Patashnik writes, “The long-term sustainability of any given policy reform hinges on the successful reworking of political institutions and on the generation of positive policy-feedback effects, especially the empowerment of social groups with a stake in the reform’s maintenance.”\textsuperscript{17} Thus, if interest groups are not empowered to create policy change, policy regimes are unlikely to be durable.

In this chapter, I argue that there has been a recent shift in the federal education “policy regime” from a focus on school-level accountability to a new emphasis on improving teacher quality through robust teacher evaluation systems and policies tying teacher evaluation results to staffing, tenure, and compensation decisions. Though we cannot know whether these new dynamics will endure, I argue that we have seen the emergence of policies that suggest that we are in the midst of a regime transition. I first describe the two previous federal education policy “regimes,” as well as the factors that have contributed to this recent shift. I also document how Race to the Top created a situation in which states responded

\textsuperscript{16} Baumgartner and Jones, \textit{Agendas and Instability in American Politics}, 60.
\textsuperscript{17} Patashnik, Eric. "After the Public Interest Prevails: The Political Sustainability of Policy Reform." \textit{Governance} 16, no. 2 (2003), 203.
to the new federal regime by passing teacher effectiveness laws, while also noting potential limitations of the ability of competitive grant programs to drive changes in state policy. The chapter concludes with a discussion of state predictors that may have influenced states’ decisions to pass teacher effectiveness legislation in response to the new federal education “policy regime” and the Race to the Top program.

The Early Politics of Education: Limited Federal Control and the Emergence of the “Equity Regime”

Without Constitutional authority to set educational priorities, the federal government played a marginal role in the early development of the American educational system. However, tensions during the civil rights era and increasing concerns about equity in educational opportunities prompted the federal government to play a more active role in education policymaking. This shift began in earnest with the passage of the GI Bill in 1944, which provided federal assistance to nearly eight million World War II veterans so that they could attend college.18 The role of the federal government also expanded as it was tasked with desegregation efforts after the Brown vs. Board of Education decision in 1954.19 Over the following two decades, a booming teacher workforce began to form teachers unions in order to achieve a greater voice in contract provisions, as well as to obtain preferred policies in state and national political processes.20 However,

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policies to promote teacher quality were largely up to the states to set through credentialing requirements, and the federal government did not play a role in promoting or regulating teacher quality.

Based on a policy paradigm suggesting that increasing federal resources for disadvantaged students would mitigate the profound inequalities in our education system, Congress passed its first landmark piece of education legislation, the Elementary and Secondary Education Act (ESEA) of 1965, as part of Lyndon Johnson’s Great Society. The legislation aimed to promote economic opportunity through more equal access to more equitably funded schools.\(^{21}\) The new federal policy arrangements included a comprehensive set of categorical grant programs to increase funding to traditionally marginalized populations. The largest federal program was the Title I grants program, which supplemented state and local funding to schools based on the percentage of students eligible for free or reduced price lunch.

As McGuinn describes, the passage of ESEA represented a shift from limited federal involvement in education policy to the emergence of the federal “equity regime.” The power arrangements involved in supporting this new regime included Democrats in Congress who advocated for a more expansive federal role in education policy, as well as interest groups benefitting from ESEA’s categorical funding programs. This policy regime was also sustained as numerous liberal advocacy groups such as the National Association for the Advancement of Colored People (NAACP) worked hard to protect the new law and expand the number of groups that fell under the heading of “disadvantaged.” Democrats also

\(^{21}\) McGuinn, No Child Left Behind, 25.
joined with the newly powerful National Education Association (NEA) to defend the federal government’s equity agenda and lobby for increasing federal education funding.\(^{22}\) However, tensions continued to brew as Republicans skeptical of an increasingly powerful federal government advocated for the rights of states and local districts to set education policies with limited federal intervention.

*From Equity to Accountability*

Faced with little success in improving educational outcomes by increasing resources, the federal government began to assume a larger role in education policymaking through a new emphasis on school-level accountability systems to solve the problem of low performance. The *policy paradigm* began to shift when Secretary of Education Terrel H. Bell issued *A Nation at Risk* during the Reagan administration. The report called attention to stagnating U.S. student achievement, and asked whether the expanding federal government was using its money wisely to improve student educational outcomes.\(^{23}\) The report called for a wide range of reforms, including higher standards, better pay and working conditions for teachers, and a commitment to quality from parents and policymakers.\(^{24}\) The public also saw the federal role in education expand with the passage of the Education of the Handicapped Act in 1975 and after numerous Supreme Court decisions in which officials used government-sponsored litigation to shape education policy in areas in which the federal government previously lacked the

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\(^{22}\) McGuinn, *No Child Left Behind*, 38.


ability to do so. Democrats remained in favor of the federal government’s role in protecting disadvantaged populations and supported increasing federal funding for public schools. Republicans continued to push back against an increasingly powerful federal government, and many, including Ronald Reagan, suggested abolishing the Department of Education and returning control of education policymaking to states.

In response to *A Nation at Risk* and reports of their states’ stagnating academic achievement, state governors called for high-stakes testing procedures to monitor the annual progress of students in their schools. The test-based accountability trend was in part due to a “conservative insistence that stringent requirements accompany the new money” that states were receiving from the federal government. Further, governors from both political parties began to see political profit in advocating for education reform at the state level. As West and Peterson suggest, “*A Nation at Risk* pushed the nation further toward accountability, principally by raising educational issues higher on states’ political agendas.” Test-based accountability also became a national priority after President Bill Clinton’s 1994 school reform plan, “Goals 2000,” called for states to create rigorous standards and assessments in order to receive federal funds.

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27 Peterson and West. *No Child Left Behind?*, 6.
28 Peterson and West, *No Child Left Behind?*, 6.
29 Bill Clinton had achieved credibility as an education reformer from his experience overseeing the creation of a student achievement test in Arkansas. His success in this effort contributed to his emphasis on accountability while in office.
Teachers unions were generally opposed to the new emphasis on testing and accountability. Teachers tend to be skeptical of test-based accountability because they believe that standardized tests do not accurately capture the important skills that students must know to be able to succeed in life.\textsuperscript{30} Further, the emphasis on mandatory testing took autonomy away from teachers by dictating what they needed to teach in their classrooms. As a result, many Congressional Democrats, who relied on the teachers unions’ support, pushed back against mandatory testing requirements and state-level accountability provisions, and continued to advocate for increasing educational funding at both the state and federal levels.\textsuperscript{31}

The \textit{power arrangements} in the “equity regime” created an equilibrium in federal education policy. Democrats, who were in favor of prescriptive national programs, were skeptical of the increasing emphasis on test-based accountability. Meanwhile, Republicans, who pushed for school-level accountability and testing, were unlikely to support national efforts to promote accountability because they didn’t believe this fell under the federal role. Therefore, the federal government remained focused on supplementing resources to disadvantaged populations throughout the rest of the century and did not mandate that states adopt accountability systems.


The federal politics of education shifted in 2002 with the most recent reauthorization of ESEA, the No Child Left Behind Act (NCLB). President Bush recognized that the policy paradigm had changed, and that states had begun to see accountability systems as a means to improve low academic performance. Thus, the bipartisan No Child Left Behind Act included annual testing requirements in math and reading in grades 3-8 and sanctions for schools that did not make adequate yearly progress towards the goal of every child being proficient in math and reading by 2014. Further, while Republicans had traditionally been skeptical of federal involvement in education policy, this unprecedented increase in the federal role occurred under Republican President George W. Bush, thus challenging traditional power arrangements of the “equity regime.” Some Democrats remained skeptical of accountability mandates because they believed teachers would have to “teach to the test” in order for their schools to meet ambitious proficiency standards and avoid federal sanctions. Democrats also worried that federal funding would not provide states with the resources to adopt rigorous accountability systems. However, many Democratic policymakers embraced the federal government’s opportunity to “push schools harder to improve” with NCLB and aligned themselves with Massachusetts Senator Ted Kennedy in support of the legislation. By emphasizing that accountability efforts had originated in the states, Bush was able to sell No Child Left Behind as

34 McGuinn, No Child Left Behind, 171.
a “national effort” to improve education instead of a federal top down mandate, but it is widely recognized the legislation dramatically increased federal control to set education policies.35

No Child Left Behind also marked the federal government’s first significant attempt to promote teacher quality. The law required that all teachers of core academic subjects be taught by a “highly qualified teacher,” as defined as one who attained a Bachelor’s degree or better, obtained full state teacher certification, and demonstrated knowledge in the subject they would be teaching.36 The teachers unions and their Democratic allies in Congress did not object to the “highly qualified provision” because it relied on obtaining Master’s degrees, which the teachers unions had a stake in protecting through their strong relationships with higher education institutions. As Andy Rotherham and Sara Mead suggest, “the NEA wanted to keep control of these programs in more centralized institutions rather than allowing institutions or groups that may not share its goals to wield influence.”37 Also, teachers unions had long been pursuing a “professionalization agenda,” which supported more rigorous teacher preparation programs that included more formal education and longer student teaching requirements.38 Therefore, the unions were likely to support this policy, which relied on inputs that they hoped would make the teaching career more prestigious. In order to increase transparency and appease Republican concerns

35 McGuinn, No Child Left Behind, 66.
about accountability for the new federal funding, NCLB mandated that in order to obtain federal funds, schools must notify families whether or not their child’s teacher was “highly qualified.”

However, the “highly qualified” designation did not differentiate teachers based on “outputs” such as their impact on student achievement. As Corcoran suggests, the “highly qualified” teacher provision “relies exclusively on observable credentials [such as holding a Master’s degree]…. that have not been found to have strong systematic relationships with student outcomes.” Further, the requirements for subject-matter knowledge vary by state, and it is therefore difficult to compare the percentage of highly qualified teachers across states. As a result, it is widely agreed that the provision did little to improve the effectiveness of the nation’s teachers.

_Moving Towards a Teacher Effectiveness Regime_

During this time, shifts in the _policy paradigm_ began to challenge the lack of attention to teacher effectiveness as a means to improving academic achievement. Instead of focusing on inputs such as Master’s degrees, which have not been shown to correlate with teacher quality, methods were created to focus on outputs. In particular, value-added analysis emerged as a way to link student test scores over subsequent years to individual teachers’ performance. Research

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39 Corcoran, "Human Capital Policy and the Quality of the Teacher Workforce," 43.
40 Value-added models index teachers’ performance by comparing increases in their students’ achievement to a plausible alternative (e.g., the average teacher in the district or state) by estimating and aggregating students’ growth on standardized tests as compared to students who achieved the same score in the previous year. Some value-added models such as the Education Value-Added Assessment System (EVAAS), also control for factors including the contributions of families, schools, and peers, as well as previous schooling history. For a thorough discussion of teacher value added models, see Hanushek, Eric, and Steven Rivkin. _Generalizations about Using_
documenting the importance of teacher quality in promoting student achievement such as New Teacher Project’s *The Widget Effect* also increased attention to the inability of current teacher evaluation systems to adequately measure teacher effectiveness, as well as how current policies concerning teachers did not take into account performance measures.41

A diverse group of commentators and interest groups emerged in support of new teacher effectiveness policies. Right-wing think tanks advocated for using value-added analysis to measure teacher effectiveness and tying evaluation results to staffing and compensation decisions. As education analyst and executive vice president of the Thomas B. Fordham Institute, Mike Petrilli writes, “tough love” accountability advocates want to see people held accountable for doing their jobs.42 They also supported performance pay systems based on evaluation results because they believed these systems would reward teachers for their expertise and efforts, provide incentives for teachers to work harder, and would keep talented teachers in the field through opportunities for career growth.43 Most notably, the Obama administration emerged as a key supporter of teacher evaluation reforms. The administration’s “blueprint for reform,” stressed that districts should possess teacher evaluation systems that meaningfully differentiate teachers and principals

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with at least three performance levels, and evaluation results should be used to inform teacher policies including staffing, tenure, and compensation.44

Teachers unions including the American Federation of Teachers and the National Education Association came out heavily against using value-added analysis in teacher evaluations.45 Teachers and their unions worried that if student achievement was taken into account in evaluation systems, teachers would have stronger incentives to “teach to the test” and would be likely to refrain from teaching subjects that are not tested, such as science and social studies, in favor of “drill and kill” instruction in reading and math. 46 Unions also felt that it was unfair to hold teachers accountable for their students’ performance because there are many out-of-school factors, such as poverty, that influence student achievement. 47 Further, they expressed that teacher evaluation is complicated, and that there can be no “one-size-fits-all” evaluation instrument, especially given that many educators teach subjects that cannot yet be assessed by standardized tests. 48

A New Teacher Effectiveness Regime

Though we cannot know if these new dynamics will sustain, there were many institutional shifts that seemed to contribute to the emergence of a new federal “teacher effectiveness regime.” First, there were shifts in the power arrangements that had traditionally protected the lack of emphasis on measures of performance in teacher policies. Democrats for Education Reform (DFER) was created to challenge the notion that the Democratic Party would always be aligned with the teachers unions, and advocated for policies that the teachers unions did not support, such as holding teachers accountable for student performance outcomes. Further, after his election, Barack Obama, who was opposed by the teachers unions in the Democratic primary and raised unprecedented funds for his campaign from individual donors, was arguably more willing to consider positions the unions resisted. Republicans also became more comfortable with an increasing federal role in education policy through their support for the federal No Child Left Behind Act of 2001. The federal government’s use of competitive grants such as the Teacher Incentive Fund (TIF) shifted traditional policy arrangements to emphasize the ability of competitive grant programs to generate innovative reforms in the area of teacher quality. As discussed above, regime changes tend to occur when some sort of stressor or policy enabler impacts the policy regime and creates the necessary conditions for reform. In this case, the “Great Recession” served as a stressor that allowed President Obama to use

billions of dollars of ARRA stimulus money to promote the Race to the Top competitive grant program, which invited states to adopt ambitious teacher effectiveness policies in exchange for much-needed federal funds.

**Race to the Top**

The Race to the Top program was by far the largest competitive federal education grant program to date. In order to win millions of dollars in educational funding, states were asked to adopt policies aligned with the Obama administration’s “blueprint for reform,” which placed substantial emphasis on improving teacher quality. In the RTTT application rubric, 138 of the 500 available points (the most available in any of the five subcategories) were allocated to ensuring “Great Teachers and Leaders.” Of those 138 points, 58 were allocated to “improving teacher and principal effectiveness based on performance.” Under this topic, the rubric included points for measuring student growth, developing teacher and principal evaluation systems, conducting annual evaluations, and using evaluations to inform key decisions. States were awarded points for their prior accomplishments, as well as for setting ambitious but attainable goals to address the rubric criteria. Though states did not have to pass legislation to institute these reforms, many chose to do so in order to make their applications more competitive.

With the incentives posed by Race to the Top and the dismal economic situation in 2009, we might have expected every state to pass teacher

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effectiveness laws in order to become more competitive to receive a RTTT grant. However, though there was an unprecedented wave of teacher effectiveness legislation after the program’s announcement, not all of the states that applied chose to propose legislation. Some states may have experienced political or interest group barriers, or had not yet developed the capacity to implement teacher effectiveness reforms. Also, some states chose to commit themselves and their school districts to reforming their policies without passing laws.

Further, because money was allocated to states based on reforms that states had already enacted or promised to enact after receiving the grant, states may have overestimated their capacity to implement reforms. While the federal government had the power to revoke the Race to the Top grants should states not comply with their proposals, following through on this threat would be politically challenging, especially as President Obama would be seeking reelection in 2012. This situation calls into question the federal government’s ability to promote teacher effectiveness policies through a competitive grant program.

**Federal Grants**

The federal government has traditionally issued two types of federal grants: categorical grants and block grants. Categorical grants are closely monitored, include precise regulations to guide local or state projects, and are usually used for redistributive purposes. The largest categorical grant program is the Title I program, which provides formula funding to states and districts based on the percentage of students receiving free or reduced price lunch. While the Title I program helps to equalize education funding across states and districts, it

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also creates time-consuming, expensive compliance requirements for state education agencies tasked with distributing the money. By contrast, block grants provide states considerable discretion in how to spend their federal funds. While these grants offer flexibility, they can also reduce incentives for local governments to manage resources efficiently. Block grants were common during the Reagan administration, but when the federal government assumed a more active role in education policymaking with the passage of the No Child Left Behind in 2002, it began to rely more on categorical grants with more precise criteria for reforms.

Race to the Top shifted federal policy arrangements to rely on competitive grant programs as a way to promote state level reforms. In a competitive grant program, the grant provider creates a rubric and provides incentives for prospective recipients to adopt policies that are aligned line with its agenda. Therefore, it falls between a categorical grant and a block grant program. As common with a categorical grant, a competitive grant allows the federal government to use the bully pulpit to raise the salience of important issues to the administration. Further, because only a few states can win grants, the grant maker encourages potential recipients to align policy changes to its specific

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57 During the Reagan administration (1981-1989), the federal government instituted the Educational Consolidation and Improvement Act, which provided large block grants to states based on weighted per-pupil funding.
criteria. However, as in a block grant program, the administrator provides discretion for applicants to design programs that fit their needs. While this creates flexibility, states must also be creative and invest substantial resources in the planning stage in order to be successful. Though competitive grants are likely to induce reforms, especially when states need the funding, competitive grants also create problems when applicants propose policies that they may not have the capacity to enact. Further, defining states as the eligible applicants may make it difficult to reach the populations the grants are designed to serve. It is therefore harder to organize the program and track funding, and more difficult to determine the grant’s impact on educational outcomes.

In this chapter, I argue that the federal government has begun to shift from an “accountability regime” to a “teacher effectiveness regime.” This change comes as a result of shifting partisan coalitions, increasing attention to the importance of teacher quality in increasing student achievement and a new reliance on competitive grant programs to drive state-level reforms. Though these changes have emerged at the federal level, not all states responded to federal incentives to promote teacher effectiveness policies through the Race to the Top program. In the following section, I discuss the educational, partisan, interest

62 Manna, Competitive Grant Making and Education Reform, 4.
group, and contextual factors that may have contributed to state-level teacher effectiveness legislation passage during this time.

Factors Influencing State Reponses to Race to the Top

In order to explore state-level predictors of teacher effectiveness legislation passage, I examined two categories of predictors that have influenced education policy in the past: political factors and indicators of interest strength. Based on the traditional politics of education, we would expect to see Republican legislators push for teacher effectiveness reforms, while teachers unions would advocate against teacher effectiveness legislation. Therefore, I examine whether political characteristics including Republican control of the state legislature and the governorship and the presence of divided government predicted legislation passage, as well as whether measures of teacher union strength affected the likelihood of states passing teacher effectiveness reforms. I also assessed educational and contextual factors, which I hypothesized played a role in predicting legislation passage.

Educational Predictors

Measures of educational performance are likely to influence a state’s willingness to pass teacher effectiveness legislation through their effect on policymakers’ sense of urgency for reform. Two common ways to measure a state’s educational performance are by the state’s graduation rate and by student achievement scores on state and national standardized tests. In the past, policymakers concerned with their states’ educational outcomes advocated for
reforms that championed school-level accountability. Leaders also felt pressured to create school-level accountability systems by business leaders, who were concerned about developing a high quality workforce. Because teacher effectiveness reforms create test-based accountability systems for teachers, we would expect that states with lower educational outcomes would be more likely to pass teacher effectiveness legislation, especially when faced with pressure from the business or political communities. Race to the Top also provided incentives for states with weaker educational outcomes to apply because reform-minded politicians would be able to obtain the political cover to enact policies that they would not have been able to justify without the extra funding provided by RTTT.

**Political Factors**

A few differences tend to separate the dominant Democratic and Republican political ideologies in education policy. Democrats tend to see the federal role as more expansive, and are more likely to believe that it is the federal government’s duty to combat the “achievement gap” between the dominant and minority cultures and between the rich and poor. Democrats also believe that there is a place for prescriptive programs at the national level that will rectify our country’s inequitable funding system and distribution of high quality teachers. While Democrats see the federal role as more expansive, Republicans adhere to a stricter reading of the Constitution, and tend to believe that the federal

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63 Peterson and West, *No Child Left Behind?*, 6.
64 Peterson and West, *No Child Left Behind?*, 6.
government should play a smaller role in setting educational priorities and funding programs. Republicans are also inclined to advocate for policies that leave space for state policymakers to make decisions without federal meddling because they believe that people will be more likely to generate innovative solutions without strict regulations and requirements in the educational arena.\textsuperscript{67} Further, Republicans tend to believe in the potential of the free market to promote innovation in education, and advocate for charter schools and vouchers, which allow people educational choice.\textsuperscript{68} Thus, performance-based compensation systems and policies that give principals more freedom to make hiring and firing decisions seem to champion the Republican values of accountability and flexibility. Further, because Republicans believe that state policymakers should be predominantly responsible for setting and implementing educational policies, they may be more likely to promote state-level teacher evaluation reforms.

However, a state’s willingness to participate in the Race to the Top program also influenced its likelihood of passing legislation. Because Race to the Top reflected a more dominant role for the federal government in setting educational priorities, Republican state leaders may not have believed that the Race to the Top program represented an appropriate role for the federal government. As Texas Governor Rick Perry explained, “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."69 Because Democrats may have been more likely to apply to Race to the Top because they wanted to win the extra funding, we might expect Democratic-controlled states to be more likely to institute these reforms in order to make their applications more competitive.

However, in spite of the fact that Race to the Top was a Democratic program, the recession likely created incentives for every state to apply to Race to the Top, regardless of its partisan affiliation. Therefore, I hypothesized that states controlled by Republicans, who have traditionally been in favor of accountability and flexibility, would be more likely than Democratic-controlled states to enact teacher effectiveness laws.

Researchers have found that unified governments are more likely to pass legislation than divided governments. Divided government tends to reinforce the obstacles inherent in the Constitution because parties are not just competing to pass legislation, but also for institutional leverage.70 Though some have argued that divided governments may be more likely to pass legislation because successful legislation requires bipartisan support, this is more likely to be true when parties are weak.71 In the years this thesis explores (2009 to 2011), parties have been strong, and most policymakers tend to vote along party lines.72 Further, governments will be more likely to pass legislation when the governor and

Congress are aligned. As Bowling and Ferguson explain, “Shared party attachment should bind the legislative and executive branches together electorally and ideologically, helping to overcome the inter-branch rivalries caused by the separation of powers.” Therefore, I hypothesized that states that experienced unified government under any party would be more likely to pass teacher effectiveness legislation because they would be less likely to encounter partisan roadblocks in the legislative process.

*Interest Group Influence*

Interest groups also affect a state’s ability to pass teacher effectiveness laws through their impact on the legislative process. After legislation has been proposed, interest groups influence politics by mobilizing the electorate, financing electoral campaigns, lobbying policymakers, and going to court to advocate for policies. Two theories have emerged in attempting to explain interest groups’ ability to impact the political process. The first theory is the support or the position-induced model. In this model, interest groups provide donations to policymakers that they think will advance their agendas, especially if they think that the campaign will be close. The second theory, the service-induced or exchange model, predicts that interest groups will try to influence the policy positions of candidates who they think are not yet in line with their agenda. In both models, we can assess interest groups’ power by the amount of money that

75 Potters, J. "Interest Groups." 407.
interest groups spend to impact political campaigns. Interest groups also influence legislators by lobbying for specific policy positions either by providing testimony or meeting with policymakers to advance their agendas. We can measure an interest group’s influence based on this type of behavior by its state per capita membership. There are a number of state-level interest and advocacy groups concerned with teacher effectiveness legislation, such as Stand for Children, FiftyCAN, and the Thomas B. Fordham Institute, which may have played an important role in states’ ability to pass legislation. However, these advocacy organizations do not exist in every state, and thus, are only relevant in isolated cases. This paper examines the influence of a particularly active interest group in education policy, the teachers unions.

Teachers unions, which were originally created to protect young women from unfair, sexist policies and hiring decisions made on the “whims of principals,” have developed into organizations that exert a huge amount of political power in the policy arena. When examining teachers union influence, it is useful to draw a distinction between unions’ collective bargaining and political activities. While some states make collective bargaining illegal or allow districts to decide whether they would like to collectively bargain, 35 states have mandatory collective bargaining laws. In these states, unions have secured collective bargaining rights for everything from hiring practices to compensation

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78 Potters, "Interest Groups," 413.
systems. Union contracts in strong collective bargaining states are likely to include provisions that do not differentiate teachers based on performance measures. For example, many contracts include a “last in, first out” (LIFO) provision, which mandates that seniority is taken into account before effectiveness when making layoff decisions. Further, the restrictiveness of these collective bargaining agreements correlates with the size of the school district, as well as the size of the teachers union.\textsuperscript{81} Therefore, restrictive teachers unions contracts are likely to exist in areas in which unions have the political muscle to protect them. In these districts, policymakers face a substantial challenge to create policies that take into account teacher performance.

When engaging in political advocacy activities, teachers unions assert their political power through campaign contributions, traditionally for Democratic policymakers, who tend to advocate for more pro-labor policies and policies that do not differentiate based on teacher performance. The two major unions, the National Education Association (NEA) and the American Federation of Teachers (AFT), donate three times more money to Democrats than any other union or industry group.\textsuperscript{82} Therefore, the two unions were shocked when the Obama administration, which they endorsed in the 2008 presidential election, began to advocate for policies that were against union priorities. They were specifically angry when Obama announced that “states must not have any legal, statutory, or regulatory barriers to linking student achievement or student growth data to teachers for the purpose of teacher and principal evaluation” in order to receive

\textsuperscript{81} Moe, \textit{Special Interest}, 201.

\textsuperscript{82} Brill, \textit{Class Warfare}, 4.
points in the Race to the Top competition. Though the NEA and AFT have continued to support Obama throughout his presidency, they have been outspoken critics of performance-based pay, tried to block pro-charter school legislation, and have advocated for policies that make it very difficult and expensive to fire underperforming teachers. Because Democratic candidates rely on union support in order to win elections, teachers unions can be a substantial roadblock to passing teacher effectiveness legislation. Thus, we would expect states with strong teachers unions as measured by the percentage of teachers who are union members and the strength of the state’s collective bargaining law to be less likely to enact teacher effectiveness legislation.

However, recent reports have also found that when unions play a role in developing teacher evaluation systems, states may be more likely to pass teacher effectiveness reforms. For example, in Colorado, the local chapter of the American Federation of Teachers was integral in gaining the political support to pass Senate Bill 191 (SB 191), legislation that created a teacher evaluation system that takes into account student test scores, as well as a pay-by-performance program based on evaluation results. Though the state’s larger union, the Colorado Education Association (An NEA affiliate), staunchly opposed the bill, the AFT announced their support for SB 191 after negotiating five reasonable amendments. On the same day as the House Education Committee was set to vote on the bill, a full page advertisement created and funded by the interest group, Stand for Children, appeared in the Denver Post. The advertisement, which

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profiled the AFT’s endorsement of the legislation, proved to be a “game changer” in fostering support for the bill.\(^84\)

Though some union representatives have supported these initiatives, most union leaders are skeptical at best of using growth in student test scores to evaluate teachers’ performance. Unions argue that student test scores do not capture the full range of a teacher’s capabilities, and are likely to create incentives to align curricula to standardized tests.\(^85\) Despite isolated cases of district-union collaboration, I believe that teachers unions exert enough political power to block legislation that they do not support. Therefore, I hypothesized that states with strong teachers unions would be less likely to enact teacher effectiveness legislation.

**State Context**

It is also important to take into account the context in which states experienced incentives to pass teacher effectiveness legislation. A state’s fiscal situation was particularly important to the enactment of these laws in the context of RTTT. During the recent economic crisis, many states were forced to cut spending on education.\(^86\) Therefore, states that underwent large budget cuts may have been more likely to apply to Race to the Top in order to gain back the funds they lost during the recession.\(^87\) Because Race to the Top provided substantial

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\(^85\) Hayes, *What's Ahead in Education?*, 82.

\(^86\) Since the recession began, at least 34 states and the District of Columbia have cut aid to K-12 schools and various education programs. Johnson, Nicholas, Phil Oliff, and Erica Williams. More information can be found in *An Update on State Budget Cuts*. Washington D.C: Center on Budget and Policy Priorities, 2011.

\(^87\) Paul Manna found that states that experienced a larger percentage cut to their education budget from fiscal year 2009 to fiscal year 2010 were significantly more likely to apply for RTTT grants
incentives for investing in teacher evaluation systems, we would expect that states that applied to Race to the Top because of decreasing state budgets would also be more likely to pass teacher effectiveness legislation in order to make their applications more competitive.

In order to create a teacher evaluation system that takes into account student test scores, states must also possess robust data systems that are able to link student test scores to individual teachers. In 2009, the Data Quality Campaign (DQC), a national coalition of data experts, published Ten Essential Elements that are necessary to build data system with this capability. Teacher effectiveness policies rely on precise data in order to accurately measure teacher quality because educational leaders will use evaluation results to make important decisions concerning teachers. Therefore, I hypothesized that states with more robust data systems would be more likely to pass teacher effectiveness legislation.

Conclusion

To summarize, the quantitative portion of this thesis aims to describe the factors that were associated with a diverse group of states passing teacher effectiveness legislation during the Race to the Top period. To address this issue, I tested four hypotheses concerning state teacher effectiveness legislation passage

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88 DQC’s 10 Essential Elements include creating a statewide student identifier that connects student data across key databases across years, the ability to match individual test scores from year to year to measure academic growth, and a teacher identifier system with the ability to match teachers to students. At this time, 24 states had a “teacher identifier system with the ability to match teachers to students,” and by 2010, 43 states had this capacity.

based on the traditional politics of education as well as states’ sense of urgency and capacity to enact these reforms. The first hypothesis is that states with lower academic achievement scores will be more likely to pass teacher effectiveness legislation. The second is that states that experienced a Republican majority in both houses of the state legislature while also having a Republican governor will be more likely to pass legislation. The third hypothesis is that states with strong teachers unions will be less likely to pass teacher effectiveness legislation. Finally, I hypothesized that states that experienced a larger decrease in state tax revenues during the recession and states with more advanced data system capabilities would be more likely to pass these reforms. I will discuss the methods that I used in my analyses and my results in Chapter 3.
Chapter 3: Methods and Results

Methods

In order to assess the factors associated with the enactment of state teacher effectiveness legislation during the Race to the Top period, I compiled data from various sources for all 50 states. In this chapter, I first provide a rationale for including the 50 states and excluding the District of Columbia in my analysis. Next, I define teacher effectiveness legislation and describe the two dependent variables I use in my analysis: legislation passage and the National Council on Teacher Quality’s measure of legislation strength. I then define key independent variables that I use in my study, which include academic, political, interest group, and contextual factors. Finally, I provide the results of my analyses, including descriptive statistics, correlations, and logistic and ordinary least squares (OLS) regressions.

States

The sample for my quantitative analysis included all 50 states. I included New York and Rhode Island in my analysis even though they do not have a traditional governance model. In these two states, a Board of Regents governs the elementary and secondary system. Though the public does not directly elect the Board of Regents, elected officials appoint the Board members. Therefore, the boards still act as political entities, and as a result, face many of the pressures and roadblocks that state legislatures face. I excluded the District of Columbia in my analysis because the city operates more like a district than a traditional state. In the District of Columbia, the Office of the State Superintendent of Education
(OSSE) governs all of the educational activity. Washington DC also has mayoral control of the public school system, a situation in which the popularly elected mayor is able to appoint an education chancellor for the city to act as both the superintendent of the District of Columbia public schools and the chief authority over the district’s public and public charter schools. While the chancellor is also a political official, he or she makes decisions much like any other superintendent of a large urban district. Therefore, it is more useful to see Washington DC as a school district instead of a state, and as such I excluded it from my study.

**Dependent Variables**

I define teacher effectiveness legislation as legislation that reforms a teacher evaluation system by taking into account multiple measures of teacher performance, including using student growth as measured by test scores as one indicator. As described in Chapter 2, these new evaluation systems use value-added analysis in order to link increases in student test scores to individual teachers’ performance. Though states vary in the degree to which measures of student growth are taken into account in teacher evaluations, the fact that student test scores are considered as a measure of teacher performance is a distinguishing feature of teacher effectiveness legislation. This legislation usually includes reforms to staffing, tenure, and compensation policies to take into account

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90 New staffing policies that take into account teacher evaluation results include getting rid of the “last in, first out” (LIFO) provision, which ensures that when a district is faced with budget cuts, teacher effectiveness is considered before seniority when making layoff decisions and instituting “mutual consent hiring,” which ensures that both the principal and the teacher agree to a teacher’s placement before the teacher assumes a position in a school. This is particularly important when considering district transfers, as many teachers are moved between schools in a district, while the principal and the teacher have little say in the teacher’s placement.
teacher performance. States vary in which policies they have chosen to include in their legislation and also the degree to which new teacher evaluations play a role in making these decisions. I used two indices of legislation as the outcomes of interest in my analysis: legislation passage and the National Center on Teacher Quality’s measure of legislation strength.

Legislation Passage: This is a dichotomous measure of whether states passed or did not pass teacher effectiveness legislation. The legislation must have been passed between the announcement of the Race to the Top program on July 24th, 2009 and December 31st, 2011 to be included in my analysis. By this definition, seventeen states passed teacher effectiveness legislation during this time.

National Center on Teacher Quality’s Measure of Legislation Strength: In order to provide a more nuanced indicator of the comprehensiveness of state legislation, I used a measure of legislation strength from the National Center on Teacher Quality (NCTQ) report, “State of the States: Trends and Early Lessons on Teacher Evaluation Effectiveness Policies.”93 In this report, researchers coded teacher effectiveness legislation passed by each state for whether the bill made changes to policies concerning tenure, dismissal, certification, compensation

91 Tenure reforms include doing away with the tenure credential, or ensuring that teachers demonstrate their effectiveness in multiple ways for multiple years before being awarded tenure protections.
92 Compensation reforms include instituting pay-by-performance plans, which provide teachers with additional compensation for improving student outcomes or for teaching in hard-to-staff subjects or schools.
93 National Center on Teacher Quality. State of the States: Trends and Early Lessons on Teacher Evaluation and Effectiveness Policies. Washington D.C, 2011. The National Center on Teacher Quality is a bipartisan research and advocacy organization that aims to reform the structure and regulation of the teaching profession at the federal, state, and local levels.
structures, and layoff decisions based on newly created teacher evaluations. Because all of the states that NCTQ indexed made changes to their evaluation policies to take into account student growth as a measure of teacher performance, I gave each state included in their analysis one point, and then added one point for each policy that the legislation addressed. Therefore, states that did not pass legislation are coded with (0), and states that passed legislation are coded on a scale from (1) to (6). Because none of the bills addressed all five factors, the “strongest” bill has a score of (5). The 17 states that passed teacher effectiveness laws had an average score of 3.41 on the NCTQ measure.

**Predictor Variables**

In my analysis, I examined four categories of variables that may have played a role in whether states passed teacher effectiveness legislation during this time: academic predictors, partisan indicators, measures of union strength, and state contextual factors. Academic predictors include average achievement scores on the National Assessment of Education Progress (NAEP) and the state’s average freshman graduation rate. Union measures include the percentage of teachers unionized and the strength of the state’s collective bargaining law. Partisan indicators include whether the state experienced unified Republican control in the

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95 NCTQ does not provide a perfect measure, as it does not take into account how strong the provisions are in each of the five categories. However, this measure does serve to address the comprehensiveness of the legislation, as stronger bills are likely to tie measures of teacher effectiveness to more policy decisions.
two houses of the state legislature and had a Republican governor during this
time, as well as whether the state experienced unified government under any party
during this period. Finally, state contextual factors include the state’s decrease in
tax revenues during the recession and the Data Quality Campaign’s measure of
state data system capacity.

Academic Predictors
I included two measures of academic achievement in my analysis: average scores
on the NAEP exam and the state’s average freshman graduation rate.

Freshman Graduation Rate: The average freshman graduation rate is the
proportion of public high school freshmen who graduated with a regular
diploma four years after starting 9th grade in 2008.96 This proportion is
based on the National Center for Education Statistics (NCES) Common
Core of Data.97 The average freshman graduation rate does not include
students who complete high school in more than four years, but it is a
good index of student achievement because it measures the percentage of
students who graduate on time. Though this data is from 2008, we can
expect that this proportion has remained relatively stable for the past three
years.

97 NCES collects data from state education agencies about all of the public schools and school
systems in the United States each year to include in the Common Core of Data.
Average Achievement: Average achievement refers to the state’s combined scores on the 2009 National Assessment of Education Progress (NAEP). NAEP is a yearly academic assessment administered by the National Center for Education Statistics (NCES). A representative sample of students in each state in grades 4 and 8 takes this exam each year. In this sample, I included each state’s average scores for 4th grade reading, 4th grade math, 8th grade reading, and 8th grade math. All of the scores were highly correlated ($0.839 < r < 0.937$). Therefore, I took the average of each state’s scores to create the average achievement variable.

Union Measures

I measured union strength in two ways: by the percentage of a state’s teachers who are union members and by the strength of the state’s collective bargaining law.

Percentage of Teachers Unionized: This variable is the average percentage of teachers that were union members in the years 2004 and 2008, as measured by the NCES Schools and Staffing Survey (SASS) and compiled by Terry Moe (2011). This is a good measure of the unions’ available resources because teachers who are union members pay dues to their respective organizations. Unions can use these funds to pay for political

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98 Moe, *Special Interest*, 52.
activities such as lobbying elected officials to support policies that are aligned with their mission.99

_Collective Bargaining Law:_ Because there is no federal law regulating public sector bargaining, states are able to decide whether collective bargaining for teachers unions is illegal, permissible, or required. In states in which collective bargaining is illegal, unions can still exist, though they are not allowed to bargain with their districts to negotiate the terms of their contracts. States in which collective bargaining is permissible leave the decision to collectively bargain up to the district. In states with mandatory collective bargaining laws, districts are obligated to bargain with their local teachers unions on contract provisions. The strength of a state’s collective bargaining law is a measure of union strength because unions in states with more lenient collective bargaining laws are likely to have more restrictive contracts containing provisions that do not differentiate teachers based on measures of effectiveness. For my analysis, I created an ordinal variable to describe the strength of the state’s collective bargaining law. I designated states in which collective bargaining is illegal with (0), states that permit collective bargaining with (1), and states in which collective bargaining is mandatory with (2).

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99 It is important to note that this measure is different than the percentage of teachers who are covered by collective bargaining agreements, because in states in which collective bargaining is illegal, teachers are still able to join a union and reap the political and social benefits of union membership. Thus, this measure accounts for all teachers who decide to join a teachers union, regardless of whether they benefit from a collective bargaining agreement.
Partisan Factors

I measured partisanship by determining whether Republicans had a majority in both houses of the state legislature and also held the governorship at the same time between 2008 and 2011. In order to measure the likelihood of legislative consensus, I also determined whether the state experienced unified government during this time.

Republican Control: This is a dichotomous measure of Republican control in the upper and lower houses of the state legislature and the governorship, a situation in which Republicans presumably have enough control to enact legislation that is aligned with the party’s goals. Because my analysis includes the time period between 2009 and 2011, I included data for the 2008 and 2010 legislative sessions. In order to compute this measure, I used data from the US Census Bureau’s Section: Elections; Gubernatorial and State Legislatures. If the state had a Republican majority in both houses of the state legislature as well as a Republican governor during one or both of these legislative sessions, I coded the state with a (1). If the state did not have a Republican majority in the two houses as well as a Republican governor during this time, I coded the state with a (0).

Unified Government: This variable measures whether the state experienced unified government during the 2008 and 2010 legislative sessions.

sessions. I defined unified government as a situation in which the same party has a majority in the state’s two legislative chambers and also holds the governorship at any point during this time. First, I determined which party had a majority in the lower and upper houses of Congress during the 2008 and 2010 legislative sessions as well as which party held the governorship in 2009. If the same party controlled both houses and the governorship for one or both legislative sessions, I coded the state with a (1). If the state did not experience unified government during this time, I coded the state with a (0).

State Contextual Factors

There were many contextual factors that may have played a role in whether states passed teacher effectiveness legislation during the Race to the Top period. I measured state context in two ways: first, by the decrease in the state’s tax revenue from the pre-recession peak in 2007 to 2010 (when the applications for the second round of Race to the Top were due), and second, by the Data Quality Campaign’s measure of data system capacity.

Decrease in State Tax Revenue from 2007 to 2010: In order to estimate the impact of the recession on states’ financial situations, I calculated the decrease in state tax revenues from the pre-recession peak in 2007 to 2010 using US census tax revenue data.101 I then found the percentage decrease

in tax revenues by dividing the reduction in revenue during this period by the state’s 2007 tax revenue.

*Data System Capacity:* To measure state capacity to implement teacher effectiveness reforms, I used the Data Quality Campaign’s (DQC) Ten Essential Elements of a State Longitudinal Data System. DQC created the ten essential elements to measure states’ progress toward building longitudinal data systems, and all of the elements are important for creating and implementing a teacher evaluation system that is able to link student achievement scores to individual teachers. In my analysis, I coded states from (0) to (10) to index the number of essential elements that the state possessed in 2009, when the first round of Race to the Top applications were due.

**Results**

In order to explore which factors were associated with states passing teacher effectiveness legislation during the RTTT period, I compared the means of all variables across states that did and did not pass teacher effectiveness legislation (Table 1) and across states passing legislation of varying strength (Table 2). As I hypothesized, states with lower freshman graduation rates were more likely to pass teacher effectiveness legislation. The average freshman graduation rate for states that did not pass a law was 78.52%, while states that

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passed legislation had an average freshman graduation rate of 74.16% (p < .05). However, the means for the unionization indices were not in line with my hypothesis. While I hypothesized that states with weaker teachers unions would be more likely to pass legislation, in fact states with a higher percentage of teachers unionized and more lenient collective bargaining laws were more likely to pass legislation, though neither result was significant in the bivariate analysis. In states that passed legislation, 79.41% of teachers were union members and the state had a mean collective bargaining level of 1.76, while in states that did not pass legislation, 73.79% of teachers were union members and the states had a mean collective bargaining level of 1.55 (p = .35, p = .25). As I hypothesized, states that experienced a larger decrease in state tax revenues during the recession were significantly more likely to pass teacher effectiveness legislation. On average, states that did not pass legislation experienced a 3.54% decrease in state tax revenues during this period, while states that passed legislation experienced a 9.40% decrease in state tax revenues during this time (p = .08).
Table 1: Means and Standard Deviations of State Characteristics by Legislation Passage

<table>
<thead>
<tr>
<th>Variable</th>
<th>50 States</th>
<th>Didn’t Pass a Law</th>
<th>Passed a Law</th>
<th>Significance Level</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Achievement</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Average Achievement</td>
<td>34.09</td>
<td>34.65</td>
<td>32.99</td>
<td>0.4</td>
</tr>
<tr>
<td></td>
<td>(6.55)</td>
<td>(6.96)</td>
<td>(7.5)</td>
<td></td>
</tr>
<tr>
<td>Freshman Graduation Rate</td>
<td>77</td>
<td>78.52</td>
<td>74.16</td>
<td>0.05</td>
</tr>
<tr>
<td></td>
<td>(7.43)</td>
<td>(6.76)</td>
<td>(8.00)</td>
<td></td>
</tr>
<tr>
<td><strong>Union Strength</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Percentage of Teachers Unionized</td>
<td>75.7</td>
<td>73.79</td>
<td>79.41</td>
<td>0.35</td>
</tr>
<tr>
<td></td>
<td>(20.04)</td>
<td>(21.38)</td>
<td>(17.15)</td>
<td></td>
</tr>
<tr>
<td>Collective Bargaining Law</td>
<td>1.62</td>
<td>1.55</td>
<td>1.76</td>
<td>0.25</td>
</tr>
<tr>
<td></td>
<td>(.64)</td>
<td>(.71)</td>
<td>(.44)</td>
<td></td>
</tr>
<tr>
<td><strong>Political Factors</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Republican Control</td>
<td>.26</td>
<td>.21</td>
<td>.35</td>
<td>0.32</td>
</tr>
<tr>
<td></td>
<td>(.44)</td>
<td>(.42)</td>
<td>(.49)</td>
<td></td>
</tr>
<tr>
<td>Divided Government</td>
<td>0.19</td>
<td>0.18</td>
<td>0.21</td>
<td>0.78</td>
</tr>
<tr>
<td></td>
<td>(.28)</td>
<td>(.27)</td>
<td>(.31)</td>
<td></td>
</tr>
<tr>
<td><strong>State Capacity</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Percentage Change in Tax Revenue 2007-2010</td>
<td>-5.53</td>
<td>-3.54</td>
<td>-9.40</td>
<td>0.08</td>
</tr>
<tr>
<td></td>
<td>(11.18)</td>
<td>(12.17)</td>
<td>(7.90)</td>
<td></td>
</tr>
<tr>
<td>Data System Capacity</td>
<td>8.12</td>
<td>8.15</td>
<td>8.06</td>
<td>0.84</td>
</tr>
<tr>
<td></td>
<td>(1.48)</td>
<td>(1.30)</td>
<td>(1.82)</td>
<td></td>
</tr>
</tbody>
</table>

Note: Standard deviations are in parentheses.
Table 2 presents correlations between predictor variables and NCTQ’s measure of legislation strength. These analyses largely confirm the importance of the same predictors of legislation passage. Freshman graduation rate had a positive and significant correlation with NCTQ strength \((r = -.36, p < .01)\), which indicated that states with lower freshman graduation rates were likely to pass stronger legislation. There were also positive though non-significant correlations between NCTQ strength and both percent unionized \((r = .17, p = .24)\) and collective bargaining law \((r = .19, p = .18)\). These results show that states that scored lower on achievement measures and those with stronger unions were not only more likely to pass teacher effectiveness legislation, but they were also more likely to pass more comprehensive laws.
Table 2: Means and Standard Deviations of State Characteristics by Legislation Strength (Based on NCTQ Measure)

<table>
<thead>
<tr>
<th>Variable</th>
<th>50 States</th>
<th>Weak Law</th>
<th>Strong Law</th>
<th>Significance Level</th>
</tr>
</thead>
<tbody>
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<td><strong>Achievement</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Average Achievement</td>
<td>34.09</td>
<td>32.66</td>
<td>31.43</td>
<td>0.13</td>
</tr>
<tr>
<td></td>
<td>(6.55)</td>
<td>(7.07)</td>
<td>(7.28)</td>
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</tr>
<tr>
<td>Freshman Graduation Rate</td>
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<td>75.55</td>
<td>72.92</td>
<td>0.01</td>
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<tr>
<td></td>
<td>(7.43)</td>
<td>(7.11)</td>
<td>(8.96)</td>
<td></td>
</tr>
<tr>
<td><strong>Union Strength</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Percent of Teachers Unionized</td>
<td>75.7</td>
<td>76.75</td>
<td>82.9</td>
<td>0.24</td>
</tr>
<tr>
<td></td>
<td>(20.04)</td>
<td>(19.57)</td>
<td>(15.01)</td>
<td></td>
</tr>
<tr>
<td>Collective Bargaining Law</td>
<td>1.62</td>
<td>1.63</td>
<td>1.9</td>
<td>0.18</td>
</tr>
<tr>
<td></td>
<td>(.64)</td>
<td>(.52)</td>
<td>(.32)</td>
<td></td>
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<tr>
<td><strong>Political Factors</strong></td>
<td></td>
<td></td>
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<tr>
<td>Republican Control</td>
<td>.26</td>
<td>.50</td>
<td>.30</td>
<td>0.63</td>
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<tr>
<td></td>
<td>(.44)</td>
<td>(.54)</td>
<td>(.48)</td>
<td></td>
</tr>
<tr>
<td>Divided Government</td>
<td>0.63</td>
<td>0.75</td>
<td>0.50</td>
<td>0.36</td>
</tr>
<tr>
<td></td>
<td>(.49)</td>
<td>(.46)</td>
<td>(.53)</td>
<td></td>
</tr>
<tr>
<td><strong>State Capacity</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Percentage Change in Tax Revenue</td>
<td>-7.09</td>
<td>-10.67</td>
<td>-8.27</td>
<td>0.15</td>
</tr>
<tr>
<td>2007-2010</td>
<td>(11.09)</td>
<td>(10.86)</td>
<td>(4.30)</td>
<td></td>
</tr>
<tr>
<td>Data System Capacity</td>
<td>8.12</td>
<td>7.38</td>
<td>7.8</td>
<td>0.73</td>
</tr>
<tr>
<td></td>
<td>(1.48)</td>
<td>(2.64)</td>
<td>(2.94)</td>
<td></td>
</tr>
</tbody>
</table>

Note: Standard deviations are in parentheses.
Regression Models

When examining the above results, it is important to consider the limitations of bivariate analyses. In particular, the comparisons in Tables 1 and 2 fail to account for what happens when all of the factors that might influence a state’s ability to pass legislation are affecting the state at the same time.\textsuperscript{103} Therefore, some factors may seem unrelated to legislation passage, but become significant when controlling for other factors. I performed logistic and linear regressions to account for these limitations.

Logistic Regressions on Legislation Passage: The logistic regressions explored predictor variables’ impact on legislation passage (see Table 3). The first logistic model includes the most significant factor from each category based on the bivariate analysis. Therefore, I included the state’s freshman graduation rate, the percentage of teachers unionized, and whether the state experienced a Republican majority in both houses of the legislature and had a Republican governor at any point during this period. All of the models control for contextual variables, which include the decrease in state tax revenues during the recession and state data system capacity.

Table 3: Predictors of States Passing Legislation (Logistic)

<table>
<thead>
<tr>
<th>Model</th>
<th>Model 1</th>
<th>Model 2</th>
<th>Model 3</th>
<th>Model 4</th>
<th>Model 5</th>
<th>Model 6</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Achievement</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Freshman Graduation Rate</td>
<td>.897* (.060)</td>
<td>.935 (.052)</td>
<td>.934 (.050)</td>
<td>.910* (.055)</td>
<td>.906* (.056)</td>
</tr>
<tr>
<td></td>
<td>Average Achievement</td>
<td>1.049** (.022)</td>
<td>1.050** (.022)</td>
<td>1.047** (.021)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Union Variables</td>
<td>Percent of Teachers Unionized</td>
<td>2.956* (.675)</td>
<td>2.998* (.672)</td>
<td>2.817 (.673)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Political Factors</td>
<td>Republican Control</td>
<td>1.074 (.820)</td>
<td>1.066 (.800)</td>
<td>0.830 (.671)</td>
<td>0.798 (.677)</td>
<td></td>
</tr>
<tr>
<td>Capacity Factors</td>
<td>Change in Tax Revenue</td>
<td>.910* (.054)</td>
<td>.929 (.048)</td>
<td>.928* (.048)</td>
<td>.916* (.049)</td>
<td>.910* (.054)</td>
</tr>
<tr>
<td></td>
<td>Data System Capacity</td>
<td>.839 (.255)</td>
<td>.915 (.253)</td>
<td>.906 (.238)</td>
<td>.934 (.241)</td>
<td></td>
</tr>
<tr>
<td>n</td>
<td>50</td>
<td>50</td>
<td>50</td>
<td>50</td>
<td>50</td>
<td>46</td>
</tr>
<tr>
<td>R-squared</td>
<td>.211</td>
<td>.170</td>
<td>.171</td>
<td>.143</td>
<td>.201</td>
<td>.170</td>
</tr>
</tbody>
</table>

Note: Coefficients are reported as odds ratios. Standard errors are reported in parentheses. * p < .10, ** p < .05, *** p < .10.
In Model 1, freshman graduation rate was significant at the .10 level and the percentage of teachers unionized was significant at the .05 level. As I hypothesized, states with lower freshman graduation rates were significantly more likely to pass teacher effectiveness legislation. Model 1 also reveals that after controlling for this performance measure, states with a higher percentage of teachers unionized were actually more likely to pass legislation. Specifically, for a one percentage increase in the percentage of teachers unionized, the odds of a state passing legislation increased from 1.00 to 1.049. Also, while traditional accounts of the politics of education suggest that Republican control would be an important predictor of passing legislation, the likelihood of having a Republican majority in both houses of the state legislature and a Republican governor did not predict successful legislation passage. Finally, states that experienced larger percentage decreases in state tax revenues during the recession were significantly more likely to pass teacher effectiveness legislation. For every percentage increase in state tax revenues during the recession, the odds of states passing legislation fell from 1.00 to .910 (p < .10). Data system capacity, as measured by the number of DCQ Essential Elements the state possessed, did not predict successful legislation passage.

Model 2 attempts to shed light on the puzzling relationship between the percentage of teachers unionized and the likelihood of passing teacher effectiveness legislation by investigating whether states passed legislation to circumvent strict collective bargaining agreements. In this model, I included all of the predictors from Model 1, but substituted collective bargaining law for the
percentage of teachers unionized. The results confirm that states with stronger collective bargaining laws were more likely to pass legislation ($p < .10$).

Specifically, for a one point increase in the strength of the state’s collective bargaining law (for example, moving from state law prohibiting collective bargaining to making collective bargaining permissible), the odds of the state passing teacher effectiveness legislation increased roughly threefold.

Model 3 explores an alternative hypothesis having to do with political power. As I discovered in the first two models, the presence of a Republican majority in both houses of the state legislature as well as a Republican governor did not predict legislation passage. In order to explore other legislative situations, I examined whether states that experienced unified government under any party during these years were more likely to pass legislation. Therefore, I substituted the Republican control measure for the dichotomous variable representing experience under unified government. I found that there was no difference in the likelihood of passing teacher effectiveness legislation between states that experienced unified government and those that did not.

Model 4 explores how an alternative achievement measure, a state’s average NAEP score, influenced legislation passage. In this model, I included all of the measures from Model 3, but substituted average freshman graduation rate for the average achievement variable. Though states with lower average NAEP scores were more likely to pass legislation, the result was not significant. The R-squared value also dropped from .185 to .134 when I made this substitution,
suggesting that average achievement on NAEP did not contribute as much to explaining legislation passage.

In Model 5, I omitted non-significant factors and only included the strongest predictors of legislation passage: average freshman graduation rate, the percentage of teachers unionized, and the decrease in state tax revenue during the recession. Because I found that political factors did not have a significant impact on legislation passage, I inferred that Race to the Top played a more important role in a states’ willingness to pass teacher effectiveness legislation than I previously thought. I hypothesized that regardless of their partisan affiliation, states made a choice whether to pursue legislation based on their RTTT application strategies.

To explore this hypothesis further, I repeated the previous analysis in Model 5, but only included the states that applied for one or both rounds of Race to the Top. Forty-six states applied, demonstrating the overwhelming response to the Race to the Top program. When I excluded the states that did not apply (Texas, North Dakota, Alaska, and Vermont), the model remains roughly the same. States with lower freshman graduation rates and higher percentages of teachers unionized were still significantly more likely to pass legislation. However, the impact of the recession is no longer a significant predictor of states passing legislation. Alaska and North Dakota experienced increases in state tax revenues during this time, which likely accounted for this difference.
Linear Regressions on Legislation Strength: In order to explore the predictor variables’ impact on legislation strength, I repeated the six regression models using the more nuanced measure of legislation comprehensiveness as indexed by the National Center on Teacher Quality (NCTQ). As I show in Table 4, the linear regressions mirrored most of the relationships found in the logistic regressions, though the p-values decreased for significant predictors. In a linear regression, it is also easier to understand the magnitudes of these relationships. In Model 1, both freshman graduation rate and the percentage of teachers unionized were significant at the .01 level. In fact, a one percentage decrease in the state’s freshman graduation rate contributed to a .108 increase in legislation strength. A one percentage increase in the percentage of teachers unionized contributed to a .036 increase in legislation strength. In Model 2, both freshman graduation rate and collective bargaining law were significant at the .05 level. A one point increase in the collective bargaining law measure (for example, moving from state law prohibiting collective bargaining to making collective bargaining permissible) resulted in a .941 increase in legislation strength. In all of the models, Republican control, divided government, and data system capacity continued to be non-significant predictors of states passing legislation. While the impact of the recession on state tax revenue was significant in the logistic regressions, it was not significant in any of the linear regressions. This suggests that a larger decrease in state tax revenue provided incentives to pass legislation, but not necessarily to increase legislation strength.
Table 4: Predictors of Legislation Strength (OLS)

<table>
<thead>
<tr>
<th>Model</th>
<th>Model 1</th>
<th>Model 2</th>
<th>Model 3</th>
<th>Model 4</th>
<th>Model 5</th>
<th>Model 6</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Achievement</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Freshman Graduation Rate</td>
<td>-.108***</td>
<td>-.082**</td>
<td>-.078**</td>
<td>-.108***</td>
<td>-.113***</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(.038)</td>
<td>(.036)</td>
<td>(.035)</td>
<td>(.036)</td>
<td>(.039)</td>
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<tr>
<td>Average Achievement</td>
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<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td></td>
<td>(.043)</td>
<td></td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td><strong>Union Variables</strong></td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Percent of Teachers Unionized</td>
<td>.036***</td>
<td>.036***</td>
<td>.038***</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
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<td>(.014)</td>
<td>(.013)</td>
<td>(.014)</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Collective Bargaining Law</td>
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<td>.934**</td>
<td>.815*</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
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<td>Right to Work</td>
<td></td>
<td></td>
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<td></td>
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<tr>
<td><strong>Political Factors</strong></td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Republican Control</td>
<td>-.085</td>
<td>-.159</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>(.605)</td>
<td>(.622)</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Divided Government</td>
<td>-.497</td>
<td>-.488</td>
<td></td>
<td></td>
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<tr>
<td></td>
<td>(.498)</td>
<td>(.527)</td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td><strong>Capacity Factors</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Change in Tax Revenue 2007-2010</td>
<td>-.025</td>
<td>-.025</td>
<td>-.022</td>
<td>-.032</td>
<td>-.025</td>
<td>-.029</td>
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<tr>
<td></td>
<td>(.024)</td>
<td>(.024)</td>
<td>(.023)</td>
<td>(.024)</td>
<td>(.022)</td>
<td>(.039)</td>
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<tr>
<td>Data System Capacity</td>
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<td>.074</td>
<td>.191</td>
<td>.122</td>
<td></td>
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<tr>
<td></td>
<td>(.188)</td>
<td>(.195)</td>
<td>(.180)</td>
<td>(.193)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>n</td>
<td>50</td>
<td>50</td>
<td>50</td>
<td>50</td>
<td>50</td>
<td>46</td>
</tr>
<tr>
<td>R-squared</td>
<td>.147</td>
<td>.112</td>
<td>.130</td>
<td>.042</td>
<td>.184</td>
<td>.172</td>
</tr>
</tbody>
</table>

Note: Standard errors are reported in parentheses. * p < .10, ** p < .05, *** p < .10.
Discussion

My quantitative analysis showed three significant predictors of states passing legislation. First, states that scored lower on achievement measures such as average NAEP scores and average freshman graduation rates were more likely to pass teacher effectiveness legislation. Because there has been a lot of attention to how improving teacher quality will increase student achievement in the past three years, it is likely that states scoring below the national average on various achievement measures would choose to invest in teacher evaluation systems to increase human capital.104 With these systems in place, states and districts would be able to make changes in their staffing, tenure, and compensation policies to better retain and reward effective teachers, as well as to exit ineffective teachers.

The quantitative analysis also demonstrated that political factors such as Republican control of the state legislature and governorship did not predict successful legislation passage. I hypothesized that states that experienced unified Republican control would be more likely to pass teacher effectiveness legislation because Republicans have traditionally been in favor of accountability in the teaching profession, and policies that allow principals flexibility in staffing decisions. However, as the analysis shows, Republican control of the state legislature and governorship did not make a difference in whether states passed laws to reform their teacher evaluation systems. This may have been because Democratic states were likely to participate in RTTT and passed legislation to increase the competitiveness of their applications. However, though some

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104 The New Teacher Project’s The Widget Effect played an important role in drawing the publics’ attention to the importance of teacher quality.
Republican-controlled states such as Texas and Alaska criticized the program and did not apply, the overwhelming majority of states applied to one or both rounds of RTTT, suggesting that partisanship did not play a role in states’ application strategies.

The recession’s impact on state tax revenues was also a significant predictor of legislation passage. Many states found themselves in desperate fiscal situations during the recession and were likely to apply to RTTT in order to make up for budget deficits. As Mehta and Teles suggest, states that experienced fiscal deficits may have also been more likely to apply to RTTT to obtain an “agenda subsidy” to enact teacher effectiveness reforms. Because creating an evaluation system that takes into account student test scores was an integral part of the RTTT application, any state that applied to Race to the Top would have been more likely to pass teacher effectiveness legislation.

Perhaps the most interesting result of the quantitative analysis is that states with stronger unions were actually more likely to pass teacher effectiveness legislation. This finding runs counter my initial hypothesis that states with stronger teachers unions would be less likely to pass legislation because unions have traditionally been opposed to evaluation systems that take into account growth in student achievement scores as a measure of teacher performance. Instead, I found that states with a higher percentage of teachers unionized and more lenient collective bargaining laws were significantly more likely to pass

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105 As Mehta and Teles suggest in “Jurisdictional Politics,” governments provide agenda subsidies by shaping their general policies in such a way that they flow to one or the other side of a jurisdictional conflict. In the case of Race to the Top, the federal government forced issues onto the agenda of state governments in ways that were favorable to educational reformers. In effect, these “agenda subsidies” freed up resources that reformers could use to pursue other issues.
legislation when controlling for academic achievement. This relationship became even more robust when considering the law’s strength, as measured by the number of provisions included in the legislation.

This finding can be interpreted in two ways. First, unions may support efforts to pass legislation by participating in the policymaking process and providing support for legislation. If union support and collaboration were necessary to build credibility for these provisions, then states with stronger unions would be more likely to pass legislation. Researchers have documented union-district collaboration to improve human capital systems in a few cases. For example, in Pittsburgh, the Pittsburgh public schools and the Pittsburgh Federation of Teachers worked together to win a $40 million dollar grant from the Bill and Melinda Gates Foundation to enact their *Empowering Effective Teachers* proposal. The district and the union championed a new five-year collective bargaining agreement that created a performance pay system and a differentiated career ladder for teachers.\(^{106}\) Similarly, the Center for American Progress highlighted union-district collaboration in the ABC Unified School district near Los Angeles, California. The district worked with the local teachers union to create collaborative leadership teams to plan professional development opportunities in order to increase teacher quality.\(^{107}\)

However, when examining union stances on the major provisions in teacher effectiveness legislation, it becomes clear that union-district collaboration...


is the exception, not the norm. Both the NEA and the AFT do not believe that student test scores should be taken into account in teacher evaluations, which is an integral component of the teacher effectiveness provisions that I discuss in this paper. Teachers unions have also protested using evaluations to inform key decisions in such areas as staffing, tenure, and compensation. Therefore, it is more likely that the relationship between union strength and teacher effectiveness legislation passage runs in the opposite direction. State with strong unions tend to have strict collective bargaining agreements that prohibit student test scores from being taken into account in teacher evaluations, as well as provisions that prevent school leaders from using measures of teacher performance in staffing and compensation decisions. Because many politicians rely on teachers unions’ support and teachers tend to vote and lobby elected officials at higher rates than non-teachers, politicians may feel that their hands are tied when it comes to proposing policies that the unions will ultimately reject. Therefore, district leaders, state legislators, and advocacy groups were likely to realize that strong collective bargaining agreements made it difficult to reform teacher evaluation systems. In order to circumvent these strict bargaining agreements, many policymakers turned to legislation to reform state teacher effectiveness policies.

In conclusion, Race to the Top created a situation in which traditional predictors such as Republican control of the state legislature and the governorship did not influence state teacher effectiveness legislation passage. Further, while traditional accounts of the politics of education suggest that states with strong teachers unions would block teacher effectiveness reforms, states with strong

108 Moe, Special Interest, 124.
unions were actually more likely to pass teacher effectiveness legislation. Finally, the recession had an important effect on state legislation passage, as states that experienced more substantial decreases in state tax revenues were more likely to pass teacher effectiveness laws.

I discuss these findings further in the next chapter, which presents case studies of the process of enacting and implementing teacher effectiveness legislation in four states. These case studies are designed to shed light on the pressures that states did or did not feel to reform their teacher effectiveness policies based on the strength of their teachers unions, as well as to explore the planning and legislative processes that states engaged in when passing these laws. They focus in particular on how states interacted with their unions in order to define the specifics of proposed teacher evaluation systems and the issues that states have encountered as they seek to implement statewide teacher effectiveness policies.
Chapter 4: Case Studies

As I discussed in Chapter 2, in the past three years the federal government has invested increasing attention and resources to improving state-level teacher effectiveness policies through competitive grant programs. The four states that I explore in case studies responded to the federal government’s shift to the “teacher effectiveness regime” by including plans to reform their teacher effectiveness policies in their Race to the Top applications, and ultimately won Race to the Top grants. In order to learn about each state’s experience, I used newspaper articles and conducted interviews with people who helped to develop states’ Race to the Top proposals and are currently working on implementation. I focus specifically on the impact of teacher union strength on states’ decisions to pass or not to pass teacher effectiveness legislation, as well as the challenges states faced to implement teacher effectiveness reforms during this period.

Case Study Rationale

My statistical analysis informed the selection of cases for more detailed study. The qualitative analysis that I conducted uses an explanatory sequential design. According to Creswell and Clark, in an explanatory sequential design, the researcher first conducts a quantitative phase and then follows up on specific results with a qualitative phase.109 The specific type of explanatory sequential design that I used is a follow-up explanations model. In this design, the researcher identifies quantitative findings that need additional explanation, and uses the case

study approach to help explain why certain factors identified in the quantitative phase were significant predictors.\textsuperscript{110} The most interesting finding from the quantitative analysis was that states with a higher percentage of teachers unionized were more likely to pass teacher effectiveness legislation. Therefore, the goal of the case study analysis was to understand the effects of union representation on state legislation passage. Given that states that scored lower on both achievement measures were more likely to pass legislation, I only included low-achieving states as defined by their average achievement scores and freshman graduation rates in order to hold this factor constant.

As I mentioned in Chapter 2, Race to the Top program had an important effect on states’ willingness to pass teacher effectiveness legislation. Each state that applied to RTTT had to describe in its application how it would “improve teacher and principal effectiveness based on performance” by “measuring student growth, developing evaluation systems, conducting annual evaluations, and using evaluations to inform key decisions.”\textsuperscript{111} Therefore, all 46 states that applied to Race to the Top articulated a plan for how they would reform their teacher evaluation systems. After making the decision to apply to Race to the Top, states had a choice whether or not to pursue legislation to reform their teacher effectiveness policies.

In order to explore states’ application strategies, I placed states into four quadrants based on whether they were high or low union power states (as

\textsuperscript{110} Creswell and Plano, \textit{Designing and Conducting Mixed Methods Research}, 74.
measured by the percentage of teachers unionized), and whether or not they
passed teacher effectiveness legislation. Because of the emphasis on teacher
evaluation reforms in the Race to the Top rubric, states that made it to the finalist
round or won Race to the Top grants likely included strong evaluation system
reforms. Therefore, I chose the state with the highest score in either round of Race
to the Top to explore in a case study.

As I found in the quantitative analysis, the majority of states did not pass
legislation. Of the states that did not pass legislation, Georgia is a weak union
state that won RTTT in round 2 and Hawaii is a strong union state that won RTTT
in round 2. Of the states that passed teacher effectiveness legislation, Delaware is
a strong union state that won RTTT in round 1 and both Tennessee and Florida
are weak union states that won RTTT grants: Tennessee in round 1 and Florida in
round 2. Because Tennessee placed first in RTTT round 1, while Florida placed
fourth in round 2, I chose Tennessee to explore in a case study.

<table>
<thead>
<tr>
<th>Unionization</th>
<th>Passed a Law</th>
</tr>
</thead>
<tbody>
<tr>
<td>High</td>
<td>No: Hawaii</td>
</tr>
<tr>
<td></td>
<td>Yes: Delaware Michigan</td>
</tr>
<tr>
<td>Low</td>
<td>No: Mississippi Kentucky New Mexico South Carolina</td>
</tr>
<tr>
<td></td>
<td>Yes: Arkansas Georgia Arizona Florida Louisiana Tennessee</td>
</tr>
</tbody>
</table>
Delaware

Delaware is a strong union state that passed teacher effectiveness legislation in order to win a grant in the first round of Race to the Top. In 2009, Delaware faced strong academic and fiscal incentives to pass teacher effectiveness legislation. The state is small, with only 19 districts, 208 traditional public schools, and 15 charter schools. There are 129,403 students enrolled in the public school system, of which about half are white, 32.3% African American, and 12.4% Hispanic/Latino. Forty-nine percent of Delaware’s students qualify for free or reduced price lunch, 13.1% qualify for Special Education services, and 5.4% of students are English Language Learners. Delaware’s achievement scores are below the national mean on both measures, with a freshman graduation rate of 72.10% and an average proficiency score on NAEP of 33.50%. During the recession, Delaware faced a 4% drop in state tax revenues, which likely provided the state with financial motivations to apply to Race to the Top.

Delaware’s strong teachers union and strict collective bargaining agreements also provided incentives to apply to Race to the Top. Ninety-three percent of teachers are members of the state’s major teachers union, the Delaware State Education Association (DSEA), and collective bargaining is required in the state. Before 2009, teachers union contracts in many of Delaware’s largest districts made it very difficult to reform provisions to take into account measures of teacher effectiveness. Most of Delaware’s teachers could be awarded tenure after just three years, without demonstrating evidence that they were successful at

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improving student outcomes. Similarly, teachers were not eligible for dismissal until they received unsatisfactory evaluations for three years, and even then, teachers were able to appeal unsatisfactory ratings multiple times.\textsuperscript{113}

With its small size and previous experience with a statewide evaluation system, the Delaware Department of Education believed it would be able to successfully implement teacher evaluation reforms. Delaware has had a single, statewide evaluation system called the Delaware Performance Appraisal System (DPAS II) since the 1980’s. The evaluation system is based on the Charlotte Danielson method, which assesses teachers in four different areas: planning and preparation, classroom environment, instruction, and professional responsibilities, and uses multiple categories of effectiveness. DPAS II includes these four components, as well as a fifth component, which uses student improvement data to measure teacher performance. Before passing the new regulations, each component was weighted equally in the evaluation system.\textsuperscript{114}

Delaware built a strong foundation for support and solicited stakeholder input when preparing its Race to the Top application. Since 2007, the Delaware Department of Education had been working with the Rodel Foundation, a public policy organization focused on improving Delaware’s schools, to create a coalition of business, civic, and educational leaders dedicated to education reform. After the RTTT guidelines were released, the Delaware Department of Education was well-positioned to create a taskforce of more than one hundred educators, education experts, parents, teachers union leaders, corporation, civic


\textsuperscript{114} The State of Delaware. \textit{Race to the Top Application for Initial Funding}, CFDA 84.395A. 2010.
groups, and non-profit leaders to develop the State’s RTTT strategic plan.115 As Special Assistant to Delaware’s Secretary of Education Lillian Lowery, Lisa Bishop, explained, “The Rodel Foundation’s work served as an earlier foundation to represent key stakeholders and helped to lay out a long-term goal for the state.”116 Delaware legislators also encouraged the public to provide input by sending comments before the application process began.117 After months of deliberations, the taskforce released its RTTT action plan, which focused on four areas: improving student readiness, ensuring teacher quality, effective use of longitudinal data systems, and turning around persistently low-performing schools.118

In order to improve Delaware’s chances of winning a RTTT grant, Secretary Lowery proposed regulations (which served as legislation) that would increase the emphasis on student achievement scores in DPAS II. While teachers would continue to be evaluated based on the same five components already present in DPAS II, the regulations required that student academic growth (component five) be the predominant factor in whether teachers are to earn tenure-like protections.119 Also, an educator could be only rated effective if he or she demonstrated satisfactory levels of student growth, and those outstanding educators that produced student learning gains equal to or greater than a year’s

worth of growth would be rated “highly effective,” and were therefore eligible for additional compensation and leadership opportunities. In addition, those who did not demonstrate adequate growth would be rated “ineffective” and placed on a performance plan. “Ineffective” educators that continued to achieve less than satisfactory levels of student would be eligible for dismissal. The regulations included that in tested subjects, student growth must be based on scores on the new statewide assessment, the Delaware Comprehensive Assessment System (DCAS). The State Board of Education approved the new regulations on January 14th, 2010, just five days before the due date for RTTT phase 1 applications.

Despite passing the regulations, Delaware left important aspects of the system up to collective bargaining. In its application, Delaware explained that the exact definition and measurement of student growth would be determined between January 2010 and July 2011, when the new regulations would go into effect. A group of stakeholders would be tasked with defining student growth, but the state expressed that the measure would “likely include value-added student growth analysis as part of the methodology.” The Delaware Department of Education would also provide development coaches and mandatory training for principals to implement the new regulations. These regulations appeased DSEA, which was hesitant about the emphasis on student growth, but eager for a seat at the bargaining table to define the quantitative measures in non-tested grades and subjects.

Delaware’s application received overwhelming stakeholder support, and the state positioned itself as a likely frontrunner from the beginning of the RTTT competition. One hundred percent of LEAs as well as the DSEA signed a “memorandum of understanding” (MOU), and elected to participate in the Race to the Top program. As stated in the application, “Every superintendent, every school board president, every teachers’ union leader, and every charter school leader in the state agreed to participate in the full scope-of-work, making Delaware’s reform truly statewide.\textsuperscript{121} In March 2010, the National Center on Teacher Quality (NCTQ) published a review of all 16 finalists’ “Great Teachers and Leaders” proposals, ranking Delaware as the strongest applicant. NCTQ highlighted Delaware’s statewide teacher evaluation regulations, which did not depend on MOUs (contracts that are not legally binding), to implement key reforms at the district level. NCTQ believed Delaware’s small size and statewide teacher evaluation system were likely to lead to successful implementation and ultimately a winning Race to the Top application.

In March 2010, The U.S. Department of Education announced that Delaware was one of two winners in the first round of the Race to the Top competition. Delaware won $119 million spread over four years. Fifty percent of the grant would be distributed to the 38 LEAs, and 50 percent of the funds would remain at the state Department of Education to help support the LEAs in developing the capacity to implement the reforms. In describing why Delaware was able to win the RTTT competition, Secretary Duncan highlighted that Delaware required “strong demonstrations of student growth for teachers to be

\textsuperscript{121} The State of Delaware, Race to the Top Application for Initial Funding, A-14.
labeled “effective” and to receive tenure. He was also impressed with Delaware’s strong union and district buy-in. The state seemed on track when it met the 90-day deadline to submit its scope of work. On July 30th, 2010, Delaware’s Governor Markell also signed Senate Bill 263, a bill that tied tenure protections to student achievement data, with unanimous support from the Delaware General Assembly.

Despite its statewide regulations, Delaware faced substantial pushback from its unions in defining the evaluation system specifics. As proposed in Delaware’s application, Secretary Lowery created a working group of leaders from the education, business, and political communities that would decide how student improvement would be measured and how teachers would be evaluated in non-tested grades and subjects. During these negotiations, a heated debate broke out about the student growth component (known as component five). The Delaware State Education Association believed that the Delaware standardized tests (DCAS) were not reliable enough to play such a large role in a teacher’s evaluation. As then DSEA President Diane Donohoe explained in a letter to Secretary Lowery, “Until the problems with the DCAS test are corrected (that its floor and ceiling are too narrow to measure progress for many students; that it was administered in many buildings too late, that there are significant technical hurdles to overcome), these scores should not be used to evaluate anyone’s effectiveness.” The DSEA bargained with the state Department of Education,

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and the two decided on an “interim structure” for the 2011-2012 evaluation system. As written in non-regulatory guidance, “The Delaware Department of Education made changes in September to incorporate the input of their valued partner, the Delaware State Education Association. The DSEA felt that it would be better to implement component five as it is written in Regulation 106A and 107A with amendments.” Teachers would still be evaluated based on student growth measures, but unsatisfactory performance on component five would not lead to consequences during the interim year.

Faced with its resistant statewide teachers union, Delaware was unable to follow through with its RTTT promises in the first year of implementation. On June 9th, 2011 Delaware sent a request to the Department of Education to amend its RTTT timeline, and on July 15, 2011, RTTT director Ann Whalen agreed to allow teachers to be rated effective and receive tenure even if they did not rate satisfactory on component five in the 2011-2012 school year. However, Whalen did not approve Delaware’s request to define a *Highly Effective* teacher as one who rates satisfactory on three of four components and rates *Exceeds* on the fifth, instead of the more rigorous definition of teacher quality Delaware proposed in its initial application. Whalen asked for an updated timeline and for the establishment of a Technical Advisory Group to reconsider the amendments, but warned that the state must accomplish what it set forth in the grant period or risk losing $13,800,000 (11.6 percent) of its Race to the Top funds.

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While Delaware passed regulations to create a strong statewide teacher evaluation system with seemingly a high level of stakeholder support, complications in the collective bargaining process prevented Delaware from implementing its full regulations. Delaware’s 2010 regulations set clear requirements for teacher ratings to rely on the student growth component (component five) of the DPAS II system. However, the state did not specify what would count as student growth in non-tested grades and subjects, and instead left the task of specifying these measures to stakeholders. When it came time for the working group to determine how student growth would be measured, the group realized that these measures were very difficult to define. Teachers complained that it was unfair for teachers in non-tested subjects to be rated based on student growth in the school as a whole, and that it was problematic to measure student growth for teachers in ILC’s, special programs, and special schools. As Special Assistant Bishop explained, “We’re talking about the career and technology teachers, drivers ed teachers, subjects that had just never had this kind of emphasis, and so it made good sense for us to look for an opportunity to develop these measures.”125 As a result of the union’s response, Delaware’s evaluation system did not emphasize student growth in its first year. In addition to compromising its strong evaluation system, Delaware risks losing its RTTT grant if it cannot bargain successfully with DSEA to implement the evaluation system proposed in its initial RTTT application.

Georgia

Georgia is a weak union state that did not pass a teacher effectiveness law before winning a RTTT grant in round two. Georgia’s school system serves 1,667,685 students in 2,292 schools within 212 districts. Forty-five percent of students are white, 37% African American and 11.3% Hispanic. Georgia has traditionally had very low achievement scores, and now has a freshman graduation rate of 65.40% (well below the average), and only 29.25% of students scored proficient on the 2009 NAEP exam. During the recession, Georgia’s tax revenues decreased more than 19% (far above the national average), which undoubtedly contributed to the urgency Georgians felt to secure educational funding when developing its RTTT application.

Unlike Delaware, Georgia did not face incentives to pass teacher effectiveness legislation because of its strong unions and strict collective bargaining contracts. Georgia is a right-to-work state in which collective bargaining is illegal. Though the union is not allowed to collectively bargain for contract provisions, the Georgia Association of Educators (an NEA affiliate) and the Professional Association of Georgia Educators (PAGE) are active professional organizations. The GAE holds professional development workshops, keeps teachers up to date on various educational issues, and also engages in advocacy work. As written on their website, “The Georgia Association of Educators has been the only organization for educators in Georgia that actively pushes for and protects public educators against education legislation.”126 However, because

collective bargaining is illegal, school boards have more flexibility to establish policies unilaterally rather than through formal negotiations with their teachers. The unions are unable to prevent student achievement data from being used in evaluations through collective bargaining, and as a result, many districts used student performance data to measure teacher effectiveness even before Georgia won a Race to the Top grant. For example, the employee handbooks for Georgia’s four largest districts do not include a “last in, first out” (LIFO) provision. Therefore, local school leaders are able to determine which teachers will be let go if there must be a reduction in force “in a manner that serves the best interests of the school system and causes minimal disruption to students,” instead of using seniority to determine teacher layoffs.127 Though strong unions have not been perceived as a barrier to student achievement, Georgia was desperately in need of additional funding following its severe “economic slump” in 2009.128 Georgia had also applied to the first round of Race to the Top, and after placing third just behind Delaware and Tennessee, realized it was well positioned to win a grant in round 2.

In its RTTT application, Georgia planned to “design and implement a rigorous, transparent, and fair evaluation system for teachers and principals” in which student growth data was a significant factor. The evaluation system would be based on the Classroom Analysis of State Standards (CLASS Keys), which Georgia had been developing since 2009. CLASS Keys includes five strands to

127 Fulton County Board of Education. *Fulton County School System Employee Handbook.* Atlanta, 2010.
describe teacher effectiveness: curriculum and planning, standards-based instruction, assessment of student learning, professionalism, and student achievement. In its application, Georgia proposed that teachers in core subjects be evaluated 50% based on their value-added score, 30% on qualitative, rubrics-based evaluation, 10% on student achievement gap reduction, and 10% by other quantitative measures. Teachers in non-core subjects would be evaluated based 60% on qualitative data and 40% on other quantitative measures. In order to define the evaluation system specifics, Georgia would create a Technical Advisory Committee that would work closely with the Georgia Office of Student Achievement (GOSA) to study the evaluation instruments that would be used to make high-stakes decisions on promotion, dismissal, and compensation.

Instead of proposing a statewide teacher evaluation mandate, Georgia allowed districts to opt in to participate in the Race to the Top program. Participating districts would receive half of the prize money, while the other half would go towards developing a longitudinal system to track students as they move through schools and districts. While several states had more than 90% of its district superintendents sign a memorandum of understanding (MOU) agreeing to participate in the RTTT program, Georgia only included twenty-six districts (enrolling 40% of public school students) in its plans. At first, the Georgia Association of Educators lobbied against the state’s efforts to obtain the funds.

arguing that the state should not use student test scores to measure teacher performance and base compensation on evaluation results. They also criticized the state for not trying to collaborate with the union, and lamented that only twenty-six systems would benefit from the grant. However, after representatives stressed that participating districts would be actively engaged in the decision making processes, the GAE eventually agreed to support the RTTT proposal.

Georgia was awarded a $400 million grant in the second round of Race to the Top, and solicited stakeholder input to define the evaluation system specifics. The Georgia Department of Education hired a team of experts headed by James Stronge, a professor of educational policy, planning, and leadership at the College of William and Mary to lead this process. Committees tasked with developing the evaluations consisted of representatives from each of the twenty-six participating LEAs, teachers associations, colleges and universities, the Professional Standards Committee, Superintendents’ Associations, the Georgia Association of Educational Leaders, PTA, Chambers of Commerce (Metro Atlanta and Georgia), and other Georgia Education Partners. The unions brought their concerns about the new teacher evaluation system, such as how teachers would be assessed in non-tested grades and subjects, and provided input on the best measures to use. As Race to the Top Deputy Superintendent Theresa MacCartney described, the union’s feedback and willingness to come to the table

was “extremely helpful” in developing the evaluation system. In order to define these measures and develop sufficient “educator buy-in” the committee decided to push back implementation six months, but eventually created a list of quantitative measures to assess teacher performance and began to pilot the evaluation system in January of 2012.

The Georgia Department of Education assisted districts in implementing the evaluation by hiring individual consultants and soliciting feedback from a pilot program. The state provided additional “in-house” personnel to work on the ground in schools to assist schools with identifying growth measures in non-tested grades and subjects. The evaluation system is now being piloted with a random sample of teachers in each of the twenty-six districts. Superintendent MacCartney explained that teachers appreciate the pilot program because they are able to provide feedback about the evaluation system before it is implemented statewide and begins to inform high-stakes decisions. Though the evaluation system has not faced a lot of pushback so far, MacCartney believes it is likely to face more criticism as it is implemented statewide. As she described in a personal interview, “Until a teacher really understands its about to impact them, that’s when they become very vocal.” However, she feels that the Department’s willingness to be open, transparent, and allow teachers to provide constructive criticism is quieting teachers’ fears about the new evaluation system.

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Though Georgia did not face incentives to pass teacher effectiveness legislation because of its strong unions, its desperate financial situation and weak academic performance provided incentives to develop an evaluation system that would make it more competitive to win a Race to the Top grant. However, instead of mandating a statewide evaluation system, Georgia allowed districts to opt in to participate in the RTTT program in exchange for a share in the grant money. Though the evaluation system initially faced pushback from the teachers unions because of its emphasis on student growth, the ability of local districts to develop school-level quantitative measures with the help of individual consultants calmed some of stakeholders’ most pressing concerns. Though the system has received positive reviews so far, Georgia recently received a waiver from the No Child Left Behind Act that demands that all teacher evaluation systems tie to student achievement data. As a result, Georgia may have to implement the new evaluation system in all 180 districts. If some of Georgia’s initial success relied on districts’ ability to opt in to the program, the state may experience greater backlash as the evaluation system is implemented statewide.

Hawaii

Hawaii is a strong union state that did not pass teacher effectiveness legislation, but won a Race to the Top grant in the second round. Hawaii is unique because it includes just one statewide school district that serves 180,000 students in 288 schools. There is no ethnic majority population in the Hawaiian district, and native Hawaiians and Filipinos comprise the two largest ethnic groups at 28%
and 21% respectively. Fifty-one percent of students are eligible for free or reduced lunch, and 11% are English-language learners. Hawaii is a traditionally low achieving state, with a freshman graduation rate just below the mean at 76%, and just 27.5% of students scored proficient or above on the 2009 NAEP test. During the recession, Hawaii faced a 5% decrease in state tax revenues. Citing the “slow demise of plantation agriculture, the volatility of the tourism industry, and the high cost of land, housing, and labor” on the islands, the Hawaiian Department of Education expressed that winning a Race to the Top was crucial for Hawaii’s economic success.140

In 2010, Hawaii witnessed its union’s strength in the collective bargaining process. Ninety-eight percent of teachers are members of the state’s only union, the Hawaii State Teachers Association (HSTA), and collective bargaining is mandatory in the district. The HSTA’s previous collective bargaining agreement contained many provisions that did not differentiate teachers based on their performance. Teachers were not evaluated yearly or based on objective measures of student growth, and teachers were awarded tenure after one year, without demonstrating that they were effective at improving student achievement.141 Further, the Hawaii Department of Education had been struggling to negotiate a collective bargaining agreement with HTSA since the Hawaii school board approved $227 million dollars in cuts to the state’s public education system that year. The cuts resulted in compensation decreases, teacher layoffs, and furloughs,

which ultimately cost students 17 instructional days.\textsuperscript{142} The state finally agreed to bring teachers and staff back on “furlough Fridays” by tapping into “rainy day” and hurricane relief funds. However, in 2010, the state had yet to negotiate a new contract with the union that would ensure that the furloughs would not happen again.

With this experience in mind and after a disappointing finish in the first round of RTTT, Hawaii began to develop an ambitious second round application. The application included plans to (1) raise overall K-12 student achievement; (2) ensure college-and career-readiness; (3) increase higher education enrollment and completion rates; (4) ensure equity and effectiveness by closing achievement gaps; and (5) emphasize Science, Technology, Engineer, and Mathematics (STEM) competencies essential for college and career success.\textsuperscript{143} Recognizing the importance of a high quality teaching force in achieving these goals, Hawaii’s plan for developing a teacher evaluation system to revamp its human resources strategies was central to its application. In its new teacher evaluation system, 50% of an evaluation would be based on student learning gains, while 50% would be based on measures of teacher practice including scores on multiple observations, professional growth, school-based leadership, and school service. Teachers would be ranked using four categories of effectiveness, and those at the bottom of the ranking system would have to engage in specific professional development. Teachers evaluated “satisfactory” or “effective” for three years in a row within a


\textsuperscript{143} Hawaii Department of Education. Hawaii's Race to the Top Application, 3.

Perhaps the most promising aspect of Hawaii’s application was that the district insisted on complete cooperation with the HTSA, though there were significant loopholes in this partnership. As Superintendent Matayoshi wrote, “We have a groundbreaking commitment on the part of HSTA, the DOE, and the Board of Education to make student achievement a significant contribution of teacher evaluation, professional development, employment, and compensation.”\footnote{Hawaii Department of Education. Hawaii’s Race to the Top Presentation. Washington DC: U.S. Department of Education, 2010.} Hawaiian district representatives claimed to have collaborated with union representatives to develop the evaluation system. However, while HDOE made it very clear that student measures would count for a full 50% of the evaluation by 2013-2014, neither the HSTA nor the HDOE specified how student growth would be measured. In the question and answer session of its RTTT finalist presentation, Superintendent Matayoshi mentioned the Hawaii State Assessment System as one objective measure, while the HSTA stressed the importance of developing local interim exams. Though it was clear that the two sides had not yet agreed about how student growth would be measured, Hawaii
explained that the HSTA and HDOE would define the specifics in “interest-based collective bargaining.”

Hawaii won a grant in the second round of Race to the Top in 2010, but soon faced substantial roadblocks in the implementation phase. The state had developed a five step plan to tie high quality college and career reading standards and assessments to a statewide curriculum, improve longitudinal data collection and use, cultivate, reward, and leverage effective teaching and leading, provide targeted support to struggling schools and students, and to align organizational functions to support reform outcomes. By January 2011, Hawaii was largely on target in four out of the five categories. However, in the “Great Teachers, Great Leaders” category, Hawaii had not completed any of the activities it had proposed for 2010. HIDOE and HSTA had not begun interest-based collective bargaining or participated in the educator effectiveness forums that HDOE had planned in order to define the evaluation system specifics. The state requested to delay Race to the Top implementation while “struggling to stay afloat in the wake of hefty budget cuts,” but did not mention its failures in the “Great Teachers, Great Leaders” category.

In June of 2011, HSTA and HDOE had yet to reach a collective bargaining agreement or define the details of its evaluation system. During this

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146 Interest-based bargaining is an alternative to traditional collective bargaining in which both parties seek to understand the issue at hand, identify the underlying interests of each side, and work towards generating options that satisfy both of their needs.


time, Governor Neil Abercrombie, faced with a state budget deficit of $1.3 billion, had been negotiating with the HSTA to reach a two-year agreement, which would begin on July 1, 2011. HSTA negotiators finally reached an agreement in June that would allow the evaluation system to be implemented, which included a 5 percent wage reduction, equal health premium costs, as well as increased planning time for teachers. However, in terms of the evaluation system, Will Okabe, president of the HSTA said he was “wary of relying too heavily on annual test scores because there are so many variables in addition to the teacher that can affect student performance.”149 The HSTA board abandoned the proposed agreement, refused to present a counter offer, and rejected the state’s offer for federal mediation. Frustrated by the situation, Governor Neil Abercrombie sent employees a “last, best, and final offer,” which was very similar to the first offer presented and agreed to by the HSTA team.150 However, the HSTA rejected Abercrombie’s offer, and filed a “prohibited practice complaint,” arguing that they wanted to “bargain in good faith.”151

The failure of the HSTA and HDOE to reach a collective bargaining agreement that would create the evaluation system proposed in Hawaii’s Race to the Top application ultimately led to federal intervention. After submitting requests to amend their Race to the Top plans in every category by December of 2011, the U.S. Department of Education sent a letter to Governor Abercrombie

that placed Hawaii’s Race to the Top grant on “high risk status.” The Department of Education cited Hawaii’s “unsatisfactory performance during the first fourteen months of the grant,” specifically due to Hawaii’s requests for amendments that would represent “significant changes in strategy, timelines, and budgets to the State’s approved plans.”\(^{152}\) The Department explained that the delays in collective bargaining had impacted the State’s ability to make progress, and without a revised contract, the State could not fully implement its “Great Teachers, Great Leaders” proposal. The letter put Hawaii on strict cost reimbursement plans, and the Department scheduled an “extensive on-site review,” which it would use to decide whether or not Hawaii would be able to keep its RTTT money.\(^{153}\)

Faced with a statewide union that had demonstrated its strength in the collective bargaining process, Hawaii saw Race to the Top as a way to secure much-needed educational funding, as well as to ensure that effectiveness was taken into account in teacher evaluations and when making staffing decisions. However, while Hawaii’s Race to the Top application allowed the union to sign on to its proposal, it left too much room to negotiate specific provisions. Further, the state did not pass a law, which may have solidified the timeline and left less room to the negotiation process. Governor Abercrombie believed that Hawaii’s Race to the Top plan did not require the district to bargain with the union over the evaluation system’s components. It was clear, he explained, that the evaluation


system should be based 50% on student achievement and 50% on teacher observations. However, the district and the union did not specify how student growth would be measured in order to achieve these percentages. Without a law detailing how student growth would be measured and the union’s support to bargain the terms of the evaluation system, the Hawaii Department of Education could not implement its RTTT proposal. In order to save Hawaii’s grant, Governor Abercrombie has committed to using “all management, administrative, legislative, and legal tools” at his disposal to implement the evaluation system. Hawaii may choose to propose legislation, though without a union that is willing to sign on to these reforms or another grant program to provide monetary incentives for the union to sign on, this legislation seems unlikely to pass. Faced with Hawaii’s failure to implement its Race to the Top plans, it will be up to the U.S. Department of Education to decide whether or not to revoke Hawaii’s grant.

Tennessee

Tennessee is a weak union state that passed teacher effectiveness legislation prior to the first Race to the Top application deadline. Tennessee has been traditionally low achieving, as evidenced by its average achievement score of 27.25% and an average freshman graduation rate of 74.90%. It has 136 districts

155 Abercrombie, "Investing Now for Hawai'i’s Future."
and 1,791 schools that serve 972,549 students in total.\textsuperscript{156} Sixty-eight percent of students are white, 25\% African American, 5\% Hispanic, and 2\% Asian. Traditionally a low spending state on education, Tennessee’s tax revenues also decreased by 7.7\% during the recession. Thus, Tennessee faced strong fiscal and academic incentives to be competitive in the Race to the Top program. As Ben Felton, a leader in the Tennessee Race to the Top program described, “The Tennessee community came together [in the Race to the Top application process] because there was an acknowledged need. We’re ranked 46\textsuperscript{th} in NAEP scores, and we have one of the largest achievement gaps, and we frankly needed the money.”\textsuperscript{157}

In the past, Tennessee felt pressured to reform its teacher effectiveness policies because of its strong union. Tennessee is a right-to-work state in which collective bargaining was required in districts in which a majority of teachers voted for union representation until the state legislature passed HB 130-SB113 in May of 2011. The law repealed the Education Professional Negotiation Act, which authorized teachers’ associations and other professional unions to negotiate their salaries, benefits, and working conditions. Before this law was in place, 97 of the state’s 138 districts engaged in collective bargaining, and 65\% the state’s teachers joined the state’s major teachers union, the Tennessee Education Association (an NEA affiliate.)\textsuperscript{158} These contracts were seen as obstacles to

reforming policies to take into account teacher effectiveness, as well as economic barriers to the state’s fiscal health. As one reporter wrote, “To fix public schools, you have to control public schools. And there’s little control when teachers unions, with their self-serving agendas, question every cost-cutting proposal and reform on the table.” Therefore, the legislature was able to substantially decrease the teachers unions’ power with the passage of HB 130-SB113.

Tennessee took advantage of a Republican legislature, a Democratic governor committed to education reform, and a waning fiscal deficit in order to pass sweeping education legislation to position itself to be competitive to receive a RTTT grant. In 2008, Republicans gained control of both houses of the Tennessee legislature for the first time since Reconstruction. Democratic Governor Phil Bredesen was determined to use this advantage to enact changes in K-12 education that would make Tennessee as competitive as possible in the Race to the Top competition. Bredesen knew that the states that would be most competitive in the program would be those that had made policy changes before the application process. As the Governor described, “To effectively compete in Race to the Top, we need to unlock the prohibition on effectively using information to help improve teacher quality and drive change in the classroom. That needs to change. And it takes legislation.” Bredesen proposed the “Tennessee First to the Top Act” and the “Complete College Tennessee Act” in a

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special session of Congress on January 12, 2010, just one week before the Race to the Top application deadline. Community leaders, business leaders, and policymakers came together to pass the legislation with the understanding that these reforms would lead to a successful Race to the Top application.161

The “Tennessee First to the Top Act” created a strong, statewide teacher evaluation system that made teacher effectiveness the preponderant criteria. Thirty-five percent of teachers’ annual evaluations would be based on individual value-added student achievement data as measured by the Tennessee Value Added Assessment System (TVAAS), while the other 15 percent would be based on other objective measures of student achievement. The remaining 50% of the evaluation would be based on subjective measures of teacher quality, such as classroom observations. In order to define the system’s specifics, the state created a fifteen member Teacher Evaluation Advisory Committee. Members included teachers, principals, business leaders, legislators, and Dr. Timothy Webb, the Commissioner of the Tennessee Department of Education. The committee decided that where individual classroom measures did not exist, Tennessee would use school-level value-added data to evaluate teachers. Apprentice teachers would be evaluated six times per year (the most of any statewide evaluation system), and teachers with a professional license would be observed four times per year. Based on these evaluations, teachers would be placed into four categories: advanced, proficient, developing, and unsatisfactory.162 The probationary period was increased to five years, and in order to be eligible for tenure, teachers had to be

162 National Center on Teacher Quality. “State of the States,” 19.
rated above expectations or significantly above expectations during the last two years of their probationary period. Districts would also be tasked with developing differentiated pay plans, which could include pay-by-performance systems. Though the performance rewards were able to be decided at a local level, the state mandated that the extra compensation be in the thousands.163

Though some were wary of the Governor’s decision to propose the bill quickly, policymakers and the teachers unions understood that hundreds of millions of dollars were at stake in the grant program and ultimately signed on to support the legislation. Democratic support for the legislation was also heavily dependent on negotiations with the Tennessee Education Agency (TEA). At first, the TEA’s directors stood firmly against the Governor’s proposal that the Tennessee Value Added Assessment System (TVAAS) data count for 51% of a teacher’s evaluation.164 As a TEA official wrote, “Tennessee’s teachers tell us that basing more than half of a teacher’s annual evaluation on student performance is excessive.”165 However after negotiating with Governor Bredesen to allow TVAAS data to count for only 35% of the evaluation, while the other 15% would be based on other objective measure of student growth, the TEA decided to support the reform package. As Felton described, “the Democratic caucus headed by the Governor got the union on board with the understanding that this would bring on a lot of resources.”166 The unions and the legislature recognized that

winning the grant would bring much-needed funding to the cash-strapped districts, and the bill passed the Senate (20-3) and the House (83-10) with overwhelming bipartisan support.

After passing its landmark legislation in time for the January 19th deadline, the U.S. Department of Education announced that Tennessee was one of two states to win the first round of the Race to the Top program. The state won over $501 million to revamp its education system, specifically focusing on three main student performance goals: “academic readiness, high school graduate’s readiness for college and careers, and higher rates of graduation and succeeding in post-secondary education.” The Tennessee Department of Education field-tested the System for Teacher and Student Advancement (TAP) observation instrument (modeled after the Charlotte Danielson framework), in 50 schools during the 2010-2011 school year. During this time, the Tennessee Evaluation Advisory Committee met numerous times to discuss such issues as the quantitative measures that would be used to evaluate teachers in non-tested subjects. The Tennessee Department of Education also held trainings for principals and other evaluators, and Tennessee began to conduct the annual evaluations based on the state system in all districts for the 2011-2012 school year.

Despite the relatively seamless start, the Tennessee evaluation system has faced significant backlash from teachers and administrators in the implementation phase. A New York Times article in December of 2011 described stakeholders’ frustrations with the evaluation system. First, principals complained that they

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must evaluate teachers, specialists, librarians and all other personnel many times a year, regardless of their perceived effectiveness. With a pre-observation conference, observation, post-observation conference, and then the time spent filling out the rubric, principals are spending more than two hours per observation. Another problem that teachers and leaders face is how to evaluate educators in non-tested grades and subjects. About 55% of Tennessee teachers can be evaluated by TVAAS data because Tennessee has seven end-of-course tests, but the Tennessee Department of Education has yet to develop all of the measures that it will use to evaluate teachers in non-tested subjects. Teachers in non-tested subjects are very unhappy about being evaluated based on school-level value-added data because they are worried that their jobs are at risk based on test scores that do not reflect their work. In a recent report, TEA President Gera Summers wrote, “Tennessee’s teacher evaluation system and supporting data system are so flawed that they diminish the education program for Tennessee students.”

The TEA has made many suggestions to the Tennessee Department of Education regarding the new evaluation system. Specifically, TEA suggested reducing the number of required observations for accomplished teachers and prohibiting the use of school-wide data as a substitute for individual growth data for teachers in non-tested subjects. As President Summers wrote, “Teachers and administrators need relief from this flawed system sooner rather than later. We don’t need to wait until after the legislature has adjourned for the year to begin to

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fix the system.”^{169} The TEA also recommended designating the 2011-2012 initial implementation year as a “pilot/practice” year, so that no educator will be negatively affected by his or her evaluation score.^{170} However, now that the evaluation system is codified in law, it will be very difficult to make the necessary changes to appease the TEA. Further, with the passage of HB 130-SB113, the TEA is worried that it will not have the strength in collective bargaining to negotiate the terms of the system.

Tennessee rushed to pass its landmark legislation in order to be competitive for a Race to the Top grant, but has faced significant backlash from teachers and leaders in the implementation process. In the initial discussions regarding the Race to the Top application, the union was supportive of the plan because it would bring millions of dollars to Tennessee’s needy school districts. As Felton explained, “Because the Democratic caucus at the state level supported this, the unions pretty much fell in line.”^{171} However, teachers are now uncomfortable with the law and are specifically worried about the emphasis on student test scores in teacher evaluations. Teachers also feel that their negotiating power is weakened because the state outlawed collective bargaining. Thus, teachers have lost the ability to negotiate the terms of the evaluation system, which they perceive as fundamentally flawed.

^{169} Murfreesboro News, "TEA to Address Flaws in Evaluation System."
Chapter 5: Conclusions

My quantitative analysis uncovered three findings about the state politics of education during the Race to the Top period. First, while traditional accounts of the politics of education suggest that states under Republican control would be more likely to pass teacher effectiveness legislation, I found that partisanship did not predict successful legislation passage. Second, while teachers unions have traditionally been able to block provisions using student test scores to measure teacher performance, states with strong teachers unions were actually more likely to enact teacher effectiveness laws. Finally, I found that states with lower achievement scores and those that experienced larger decreases in state tax revenues during the recession were more likely to pass teacher effectiveness legislation.

These findings suggest that a diverse group of states responded to the federal government’s shift to a “teacher effectiveness” regime through their participation in the Race to the Top program. The significant relationship between weaker educational performance and teacher effectiveness legislation passage suggests that policymakers began to see teacher evaluation systems as important levers to improve educational outcomes. The fact that partisanship did not predict legislation passage demonstrates that Democratic state legislators challenged their traditional ties to teachers unions in order to pass teacher effectiveness laws. The finding that states with strong teachers unions were more likely to pass teacher effectiveness legislation implies that policymakers felt pressured by their lack of control over strict union contracts and increasingly turned to legislative tactics to
reform teacher effectiveness laws. Further, while traditional accounts of the politics of education suggest that teachers unions would be able to block this legislation, teachers unions in the Race to the Top period felt pressured to sign on to reform proposals in order to obtain much-needed resources during the recession.

However, case studies of successful Race to the Top states suggest that federal competitive grants are limited in their ability to promote state-level teacher effectiveness reforms from Washington. It is clear that Race to the Top played an important role in providing incentives for states to pass teacher effectiveness legislation because many states included teacher evaluation reforms in their RTTT applications. However, proposing these reforms did not ensure that evaluation systems would be implemented successfully. Many states’ applications left key details of their evaluation systems up to the collective bargaining and negotiations processes. Further, strong unions in states that the “accountability regime” would suggest would be able to block legislation were able to water down key evaluation reforms in the implementation phase. For example, even after Delaware passed teacher effectiveness legislation, the Delaware State Education Association (DSEA) was able to block quantitative measures of teacher effectiveness from informing staffing decisions in the interim year. By contrast, Republican states with weak teachers unions that the “accountability regime” would suggest would support these laws, such as Tennessee, witnessed the full-scale implementation of their teacher evaluation systems because they did not leave important details up to the negotiations process.
The case studies also suggest that competitive grants are limited in what they can achieve in states without stakeholder buy-in. This raises questions about the federal government’s ability to initiate this “regime” shift, especially as the previous transition from an equity-oriented regime to one organized around test-based accountability was based largely on state developed models. For example, Hawaii’s decision not to legislate its teacher evaluation system and to leave the details of its evaluation plan up to collective bargaining ultimately contributed to its failure to follow through with its Race to the Top plans. Alternatively, Georgia, which did not pass teacher effectiveness legislation and allowed districts to sign on to participate in the Race to the Top program, was ultimately successful in the implementation phase. While Hawaii and Georgia had similar RTTT strategies because they both did not pass legislation, Georgia was able to implement its policy from the bottom up and was therefore more successful in following through with its RTTT proposal.

My findings suggest five conclusions concerning teacher effectiveness legislation and the new politics of education in the Race to the Top period:

The traditional partisan lines of the federal politics of education have begun to shift in favor of a “teacher effectiveness regime”: Faced with decreasing budgets and a short time frame to apply to Race to the Top, partisan control of the state legislature and the governorship did not play a role in whether or not states passed teacher effectiveness legislation. While traditional accounts of the politics of
education suggest that Republicans would be in favor of accountability and Democrats would align with the teachers unions’ interests, partisan lines are now harder to distinguish. For example, Delaware, a heavily Democratic state, was able to pass legislation that championed test-based accountability in the teaching profession, which would have been unlikely without federal incentives. While it is unclear whether these dynamics will be durable, the federal “teacher effectiveness regime” has also been facilitated by a strong group of Democratic leaders that have taken on the teachers unions and advocated for policies that they believe will improve student outcomes. Advocacy groups such as Democrats for Education Reform (DFER) and Democratic policymakers such as Tennessee’s Governor Markell have challenged the teachers unions in order to institute teacher effectiveness reforms, and will likely continue to play an important role in state-level education reform efforts. The Obama administration’s support for policies that differentiate teachers based on quantitative measures of effectiveness in the Race to the Top program was also crucial to this shift, as participation in the RTTT program was a key predictor of state reform efforts. While partisanship did not seem to play a role in which states passed teacher effectiveness legislation, states with ambitious plans that were able to garner interest group support were the most successful in reforming their teacher effectiveness policies.

*Strong unions, where present, have created a situation in which legislation is essential to change policies concerning teacher evaluation:* Throughout the history of education policy, teachers unions have been skilled at blocking reforms,
especially when they are opposing policies that differentiate teachers based on quantitative performance measures. These reforms were unlikely to be negotiated in the collective bargaining process because unions do not want to give up provisions such as tenure, even for substantial pay raises.\footnote{Moe, \textit{Special Interest}, 171.} States with a high percentage of teachers unionized are also likely to have the resources to continue to elect representatives who will ensure that strict collective bargaining agreements remain intact. By contrast, in the Race to the Top period, legislators faced with weak academic performance and declining fiscal budgets saw legislation as a means to circumvent union power. For example, both Delaware and Tennessee faced unions with strong collective bargaining agreements, and therefore, decided to pursue legislation to reform their teacher effectiveness policies. This trend, which can likely be attributed to incentives posed by Race to the Top, has resulted in decisions about teacher evaluation systems being increasingly made at the state-level instead of in local collective bargaining agreements or district policies.

\textit{While strong unions made teacher effectiveness legislation imperative, pushback from unions made implementation challenging:} Though all of the states that I examined reformed their teacher evaluation policies, states with strong unions left defining key measures of student growth to the negotiation and collective bargaining processes. Union leaders, who did not support these policies, knew that the union’s support was crucial to winning federal funding, but also knew that
the union would be able to provide input concerning the evaluation system specifics. For example, because Hawaii’s entire teacher evaluation policy was subject to collective bargaining, when the district of Hawaii was unable to reach a bargaining agreement with HSTA, the state could not implement the evaluation system proposed in its RTTT application. Delaware also left defining student achievement in non-tested grades and subjects to the collective bargaining process. When union representatives were unable to agree on alternative measures to evaluate teachers, the Delaware Department of Education could not implement the full regulations in the first year. Though my quantitative analysis suggests that teachers unions are now weaker because they were unable to block this legislation, the unions remained strong in the implementation process, and were able to block reforms that they did not support.

*Policymakers have jumped ahead of researchers when it comes to evaluating teachers based on quantitative data:* The shift to the “teacher effectiveness regime” suggests that the federal government has come to play a more active role in ensuring teacher quality. In order to do so, it championed value-added analysis as a means to evaluate teachers in an objective and reliable way. However, value-added scores are only a viable measure of teacher performance in subjects and grades that can be assessed by standardized tests. While in the majority of cases teachers cannot be evaluated using value-added analysis, many of the bills I analyzed required using quantitative measures to assess teachers’ performance. Understandably, stakeholder committees found it difficult and politically
problematic to develop nuanced, objective measures of student growth for teachers in non-tested grades and subjects. As a result, in states such as Tennessee, teachers are being evaluated based on school-level value-added scores, which teachers do not believe accurately measure their performance. Further, both Georgia and Delaware struggled to define alternative measures in non-tested grades and subjects, which resulted in pushing back their implementation timelines. If the federal government plans to take a more active role in defining and promoting these measures, it should be careful that it does not reach ahead of states’ current capabilities.

*Incentive programs such as Race to the Top are unlikely to be successful at producing actual change where there is not local support and buy-in:* My finding that teacher effectiveness reforms were not successful in states without stakeholder buy-in suggests that the federal government is limited in what it can achieve with a grant program in states that do not have the capacity or do not want to enact reforms. The Obama administration knew that stakeholder buy-in was important, and chose to award RTTT grants to states that seemingly had stakeholder support for their plans. However, these agreements were contained in memorandums of understanding (MOUs), which are not legally binding. States such as Delaware and Hawaii, which left key provisions up to the collective bargaining process, had little incentive to enact teacher evaluation plans, especially if they knew that the federal government would be lax about revoking the money in an election year. By contrast, Georgia explained its teacher
evaluation system requirements clearly, promised that districts would be able to choose how they would measure student growth, and ultimately left the decision to sign on to the program to district leaders. As a result, Georgia’s RTTT districts were able to implement their evaluation system successfully.

Conclusion

In this thesis, quantitative analyses and case studies of successful Race to the Top states suggest that the “Great Recession” served as a policy enabler that began a shift to a new “teacher effectiveness regime” in federal education policy. Though we cannot know whether this regime will be durable, it is clear that policymakers experienced a shift in the policy paradigm as they began to see teacher effectiveness as an important factor in promoting student achievement. Further, while traditional accounts of the politics of education suggest that Republican-controlled states would be more likely to pass teacher effectiveness legislation, I find that policy arrangements have shifted, as partisanship did not play a role in which states passed teacher effectiveness laws. Moreover, while teachers unions had previously been able to block reforms through collective bargaining and political activities, teachers unions signed on to Race to the Top proposals because of the possibility of acquiring additional resources. These shifting norms have been accompanied by new policy arrangements, as the federal government has relied more on competitive grant programs to provide incentives for states to enact teacher effectiveness reforms.
However, case studies of successful RTTT states suggest that while states responded to the federal government’s new emphasis on teacher effectiveness, these policies were not implemented successfully. States with strong unions were able to block reforms through the collective bargaining and negotiations processes, while Republican-controlled states with weak unions were able to implement policies successfully. My findings suggest that the federal government is limited in what it can achieve through a federal competitive grant program. While in the previous regime shift, the federal government capitalized on what was already a state-led effort to promote accountability, the federal government initiated this regime shift through Race to the Top. In order to implement competitive grant programs successfully, the federal government may need to include stronger provisions before or after the application process that ensure that states follow through with their proposals. Alternatively, perhaps states had not yet developed the capacity or stakeholder buy-in to create statewide teacher evaluation systems, and should have spent more time developing local evaluation systems in collaboration with stakeholders. With hundreds of millions of dollars hinging on states’ abilities to implement evaluation systems effectively, both the federal government and states have undoubtedly discovered this new educational “regime” has created challenges of its own.
Bibliography


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