

**COMMENTS ON H.R. 609 FROM
THE AMERICAN FEDERATION OF TEACHERS AND
THE NATIONAL EDUCATION ASSOCIATION**

As the House moves to consider H.R. 609 on the floor, we bring to your attention the following issues that remain of concern to AFT and NEA members and the students they serve. Unless resolved, these issues will prevent us from supporting final passage of the legislation.

Funding/Pell Grants

Under H.R. 609, the Pell Grant program, which serves as the cornerstone of the federal government's commitment to help low- and middle-income students pay for college, was originally authorized at the current level of \$5,800, then raised slightly to \$6,000 with passage of an amendment by Rep. Ric Keller (R-Fla.). Students who depend on Pell Grants have already seen the purchasing power of their grants decline alarmingly during the past two decades. In that period, the purchasing power of the maximum Pell Grant has declined by half: from 84 percent of "average fixed costs of four-year public institutions" to 42 percent today.

The AFT and the NEA support making Pell Grants a true entitlement program, while also doubling the maximum grant award to \$11,600 over the next six years. We urge you to vote for any amendments that will move the maximum grant award closer to reaching that goal.

Student Speech and Association (Academic Bill of Rights)

Section 103 of H.R. 609, entitled Student Speech and Association Rights, changes current law in a way that goes against longstanding principles of academic autonomy. Specifically, it delineates a set of government guidelines for curriculum, teaching and grading policies on college campuses across the country. Congress should recognize that virtually every college and university already has adopted procedures to ensure a fair resolution of complaints by students who claim they are being treated unfairly for expressing opinions in their coursework. As a result, Section 103 appears to be a solution in search of a problem that simply does not exist.

The AFT and the NEA support any efforts to strike Section 103 from the bill.

Abuse by For-Profit Institutions

We are concerned that H.R. 609 would result in promoting the financial interests of the for-profit higher education industry rather than ensuring the proper management of federal funds and protecting students and taxpayers against fraud and abuse. We are encouraged by the efforts at the Committee level to address some of our concerns on provisions with respect to the 90/10 rule and the creation of a single definition of an institution of higher education (IHE). However, we remain concerned with action done under the budget reconciliation act that would repeal a legal provision excluding institutions that offer more than half of their coursework by distance education from receiving federal student aid. The AFT

and the NEA opposed changing the “50 percent rule,” which has ensured integrity in federal student financial aid programs while acknowledging that an element of “face-to-face” interaction should be part of an undergraduate education. The wholesale lifting of the 50 percent rule means that distance education programs can now go unchecked and unmonitored.

In accordance with concerns raised by both the GAO and the Inspector General’s Office of the U.S. Department of Education, we support any action that would institute quality controls and provide safeguards against fraud and abuse.

Transfer of Credit

H.R. 609 contains language that would prohibit institutions of higher education from basing their credit acceptance policies on the accreditation of the sending institution if the accrediting body is recognized by the Secretary of Education. The new federal mandate would effectively eliminate all distinctions based on accreditation, and would force many institutions to spend time and money developing new transfer policies.

The AFT and the NEA believe that institutions should be allowed to exercise their best academic judgment with regard to terms and conditions their students must meet to earn their credentials. In addition, we are very concerned that by denying institutions the right to set higher standards than those set by the Secretary of Education, the new federal transfer mandate would eliminate an important tool without providing additional alternatives.

We support efforts to strike the transfer of credit language from H.R. 609.

International Advisory Board

H.R. 609 creates an International Higher Education Advisory Board under Title VI. This advisory board would not be chosen by experts in higher education but rather by lawmakers. The board’s purpose, according to its advocates, would be to highlight, question, and ultimately curb academic activities under Title VI that some board members oppose politically. Establishment of this new board would undermine a longstanding bipartisan consensus that the federal government should respect academic freedom and independence, and not politicize professional programs on campus. At best, the proposed board would be duplicative; at worst, it would tarnish the Title VI program’s professional reputation in the university community both here and abroad.

We support efforts to strike the board from Title VI

Teacher Education

The AFT and the NEA are pleased that H.R. 609 keeps the structure of Title II. Additional efforts (where appropriate) to better coordinate Title II with the No Child Left Behind Act (NCLB), as well as inclusion of the reauthorization of the Preparing Tomorrow’s Teachers To Use Technology program, are also positive steps.

We do, however, have additional concerns with H.R. 609. The AFT and the NEA support differentiated staffing, and paying teachers more for assuming additional responsibilities. However, we did not support the amendment offered by Rep. Tom Price (R-Ga.) authorizing a Teacher Incentive Fund. At a time when resources are limited, authorizing funds for a new teacher incentive fund would be unwise. Directing funds to Title I, a program with a solid and proven record of raising student achievement, would be a more rational choice, given that this cornerstone ESEA program has been underfunded. Additionally, such an undefined program could support merit-pay plans that history tells us have not been effective.

In addition, we are concerned about the inclusion of “a public or private educational organization” as an eligible partner for partnership grants. While the other partners have clear and specifically defined eligibility criteria, this new addition has none. Further, we are concerned with such an undefined entity serving as a fiscal agent. This language should be made more specific or be struck from the bill.

Finally, although the AFT and the NEA encourage innovation and support high-quality alternative routes to certification, our unions believe that the new language on alternative routes to certification lacks sufficient criteria to ensure the viability and effectiveness of these programs.

We support efforts to amend Title II to address these concerns.