



February 26, 2015

United States House of Representatives  
Washington, DC 20515

Dear Representative:

On behalf of the 1.6 million members of the American Federation of Teachers, I write to express our disappointment in many of the provisions in the Student Success Act (HR 5). The Elementary and Secondary Education Act has a long tradition of being reauthorized on a bipartisan basis, and the AFT had hoped that tradition would be maintained. While HR 5 contains some improvements from current law, and some amendments may make it more constructive, we urge you to oppose this legislation.

Throughout the ESEA reauthorization process, the AFT has remained committed to the following principles and priorities:

- Maintaining the commitment our nation made 50 years ago to help our country's disadvantaged children.
- Abating and confronting high-stakes testing, which has narrowed the curriculum, taken time from instruction, and otherwise eclipsed teaching and learning while causing anxiety for children, parents and teachers, and adopting instead a comprehensive, meaningful accountability system that helps ensure students have the opportunities they deserve.
- Elevating the teaching profession, including the protection of educators' collective bargaining rights, and ending the U.S. Department of Education's role as the human resource department of school districts.

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The American Federation of Teachers is a union of professionals that champions fairness, democracy, economic opportunity, and high-quality public education, healthcare and public services for our students, their families and our communities. We are committed to advancing these principles through community engagement, organizing, collective bargaining and political activism, and especially through the work our members do.

American Federation  
of Teachers, AFL-CIO

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AFT Teachers  
AFT PSRP  
AFT Higher Education  
AFT Public Employees  
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555 New Jersey Ave. N.W.  
Washington, DC 20001  
202-879-4400  
www.aft.org

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## **Maintaining equity**

HR 5 walks away from our nation's commitment to provide federal education resources to public schools to help level the playing field for targeted populations of disadvantaged students—which it has been doing for more than 50 years. That commitment is even more important today, in the aftermath of the Great Recession; today, half the students we serve in public schools are poor.

The AFT also strongly opposes language included in the bill that would make Title I funding portable by allowing the money to follow a child to that child's public school regardless of the receiving school's poverty level. The portability provision would undermine Title I's fundamental purpose of assisting public schools with high concentrations of poverty and high-need students, and would serve as a steppingstone to private school vouchers. A recent study from the Center for American Progress found that portability ignores the fact that concentrated poverty has a significant impact on students "beyond their own economic circumstances." It also found that portability greatly weakens the ability of the Title I program to have the greatest possible effect. The study found that districts with high concentrations of poverty could lose an average of about \$85 per student, while the most-affluent districts could gain, on average, \$290 per student.

The bill also eliminates maintenance-of-effort requirements, essentially letting states off the hook for their share of funding K-12 education and allowing them to reduce funding for school districts without any consequence. This will serve to compound an already bleak outlook facing many districts that are still reeling from recent state and local budget cuts and a decline in federal funding, coupled with reductions resulting from sequestration. Even if a draft of ESEA strengthens the language on accountability and equity, without maintenance-of-effort in place, school districts and schools will not have the funding needed to implement any positive changes.

The AFT also opposes the fact that HR 5 strips qualification requirements for paraprofessionals working in high-poverty schools. Those requirements helped stop school districts from hiring paraprofessionals with little experience in education and then providing no professional training for them. Before those requirements became law, paraprofessionals often were assigned classroom tasks for which, through no fault of their own, they were neither prepared nor equipped.

Another concern is that under the bill, money for English language learners or low-income students could be redirected to programs serving entirely different populations. In a period of sequestration, when key programs—including early childhood education—are being cut, the number of children

living in poverty has grown (more than 50 percent of the nation's children live in or near poverty). Now is not the time to dilute the limited resources available to at-risk populations.

Funding authorizations in HR 5 are also woefully inadequate. Funding levels in the bill are projected to be lower in 2021 than in 2012—and that is before the recent education cuts, and despite inflation and growing enrollment. The House Republican proposal caps spending on ESEA for the next six years at \$800 million lower than it was in 2012.

To partially remedy HR 5 and highlight the importance of these issues to AFT members, we urge you to support the following amendments:

- **Provisions of R. Scott (D-Va.) #23:** Provisions of this amendment would uphold ESEA's historic commitment to leveling the playing field and expanding opportunity for disadvantaged children through maintained targeting and concentration of funding, including a new title for early childhood education.
- **Fudge (D-Ohio) #20:** This amendment would ensure continued state investment in educating students by requiring states to demonstrate that the level of state and local funding remains constant from year to year.
- **Quigley (D-Ill.), McKinley (R-W.Va.), Serrano (D-N.Y.) #96:** This amendment would restore the paraprofessional qualifications that are in place under current law, which helped stop school districts from hiring paraprofessionals with little experience in education and no professional training. Since all districts are in compliance, and have been since 2006, this amendment would present no new burden.

### **Adopting an accountability system in which testing does not dominate**

The AFT believes that the federal government should require states to judge districts using a comprehensive, meaningful accountability system. While that system should maintain a federal requirement for annual tests in grades 3-8 and once in high school, as required in HR 5, it must delink the stakes now attached to annual testing. To that end, these tests should be used to provide information about whether students are working at grade level, to inform instruction and to help teachers better assess their students' needs, and parents should have the right to either have this information or to opt their children out of annual testing. Stakes should be limited to tests taken once per grade span—that is, once in elementary school, once in middle school and, as it is done now, once in high school.

If accountability it is intended to help children learn, it should not be simply a test score. When it comes to school-level accountability, systems should include multiple measures, such as measures of student engagement and student health and wellness, on an equal footing with assessment results, not as afterthoughts.

The AFT believes that accountability systems should measure and document the provision of core resources, and should utilize all annual data to support teaching and learning and ensure students don't once again become invisible, as they did under No Child Left Behind and its obsession with high-stakes testing. We also believe that data, informed by the collective wisdom of professionals, along with needed resources, can serve as the basis for interventions that can turn around struggling schools and help every child.

To help build that system, the AFT urges you to support the following amendments:

- **Duffy (R-Wis.) and Wilson (D-Fla.) #56:** Just as parents are told how tests are used to inform instruction, they should have a right to know they can opt their children out of taking them. This amendment would require school districts to be transparent in providing information to parents at the beginning of the school year on mandated assessments the student will have to take and on any school district policy on assessment participation.
- **Bonamici (D-Ore.) and Costello (R-Pa.) #104:** This amendment would allow state educational agencies and eligible entities to use funds to audit and streamline assessment systems, eliminate unnecessary assessments and improve the use of assessments.
- **Goodlatte (R-Va.) #74:** The AFT supports a variety of approaches to building a new accountability system, including using project-based learning and capstone projects. This amendment would give localities the authority to allow local educational agencies to administer their own locally designed academic assessment system.
- **Cohen (#75):** This amendment would allow Title II funds to be used for restorative justice and conflict resolution programs, which could provide much-needed support to students, educators and communities.

## **Elevating the teaching profession and ending the federal government's role in teacher evaluation**

We agree with HR 5's position that teacher evaluations should revert to being a local responsibility. The federalization of evaluations, through Race to the Top and waivers, has been the prime reason for the escalation of high-stakes testing, which has not just taken the joy out of teaching and learning, but also narrowed the curriculum and hurt efforts to recruit and retain experienced teachers to help our most at-risk children. To this end, we urge you to support the following amendments:

- **Davis (R-Ill.) and Joyce (R-Ohio) #119:** This amendment would restore the collective bargaining clause currently within Title I that ensures nothing in federal law can be construed to upend a state's or district's collective bargaining law, memorandum of understanding or other agreements.

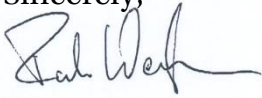
Through strong labor-management relationships, union and school leaders can drive teacher quality, and advance student and school improvement. Protecting the process through which this relationship and trust are developed is key to putting together solutions that work—to help kids, engage teachers and involve the community. It is through this process that real change happens. This is evidenced by successful reforms that have been negotiated to turn around low-performing schools in Lawrence and Lowell, Mass.; New Haven and Meriden, Conn.; the ABC district in California; and the Chancellor's district in New York. In all of these cases, partnerships between teachers, their unions and administrators have revitalized classrooms and the surrounding community.

- **Provisions of R. Scott (D-Va.) #23:** Provisions of this amendment include language on career ladders and induction programs that would benefit educators throughout their careers. We are particularly supportive of the requirement that districts conduct an assessment of educator supports and working conditions, and that states detail their supports for educators in their implementation of college- and career-ready standards. These provisions would elevate the teaching profession and improve student learning outcomes in the long term.

In addition, the AFT supports the provision of this amendment that would prohibit any employee of the federal government to mandate, direct, control or exercise any direction or supervision over the development of teacher, principal or school leader evaluation systems.

Again, the reauthorization of ESEA offers an opportunity to meaningfully fix the law so that all students receive the high-quality education they deserve. We urge Democrats and Republicans to work together throughout the reauthorization process. The AFT looks forward to collaborating on this effort with all offices in the days and weeks ahead.

Sincerely,

A handwritten signature in black ink, appearing to read "Randi Weingarten". The signature is fluid and cursive, with a long horizontal stroke at the end.

Randi Weingarten  
President

RW: ct opeiu#2 afl-cio