



February 2, 2015

The Honorable Lamar Alexander
Chairman
Committee on Health, Education, Labor
and Pensions
United States Senate
Washington, DC 20510

The Honorable Patty Murray
Ranking Member
Committee on Health,
Education, Labor and Pensions
United States Senate
Washington, DC 20510

Dear Chairman Alexander and Ranking Member Murray:

On behalf of the 1.6 million members of the American Federation of Teachers, I write to express our members' views on the reauthorization of the Elementary and Secondary Education Act and, more specifically, on the ideas put forth in Sen. Alexander's discussion draft released in January 2015. The AFT believes that the ESEA must return to its original purpose of fighting poverty and leveling the playing field for disadvantaged students. Equally important is relieving the devastating pressure of our current high-stakes testing system and ensuring that the federal government ends its involvement in teacher evaluation. Our recommendations reflect the experience of our members—frontline educators who have been working under the No Child Left Behind Act, the latest iteration of the ESEA, over the past 13 years. Most important, our recommendations reflect educators' professional judgment about what does and does not work in the classroom, and what is needed to create a professional learning environment where educators can help *all* children reach their full potential.

Fighting poverty and ensuring equity

The AFT believes that the ESEA must maintain its focus on providing services to districts serving high concentrations of disadvantaged children. Schools in these areas need more support to serve their students, who often must overcome obstacles such as poor nutrition, limited access to quality early childhood education and healthcare, and other factors that impede learning, including language acquisition. For example, University of Kansas researchers Betty Hart and Todd R. Risley found that, by age 3, children from high-income families are exposed to 30 million more words than children from families on welfare. By providing extra supports in the way of targeted instruction, wraparound services and trained paraprofessionals to support small-group learning, Title I provides schools with the extra supports students need to begin to overcome the out-of-school factors that affect student achievement—one step in what needs to be a national effort to eradicate poverty and extend the ladder of opportunity to all.

The AFT believes that the discussion draft fails to address these goals in several ways:

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- **Transferability:** The ability to target funds to programs that serve specific populations will be lost with the “transferability” requirement, which allows states and local education agencies to transfer up to 100 percent of the respective funds received under Title II and Title IV. This will allow states to transfer funds from intended purposes.
- **Block granting:** The AFT opposes the language in the discussion draft that block grants Title IV and eliminates critical programs and vital school resources and staff, such as the 21st Century Community Learning Centers program, the Promise Neighborhoods program, the Advanced Placement program and school counselors.
- **Class size:** We oppose the elimination of the provision in the bill that allows for the direction of Title II funds to reduce class sizes, as smaller class sizes lead to better educational outcomes, especially for disadvantaged students who benefit from more individualized attention.
- **Portability:** The AFT opposes the inclusion of the “follow the child” provision. Portability undermines the purpose of Title I to combat concentrations of poverty and denies school districts the ability to target funds to where they are most needed. It also is a first step toward private school vouchers.
- **Maintenance of effort:** The AFT opposes the elimination of the maintenance-of-effort requirement. This would allow states to use federal funds to displace state funding and do away with the requirement that states maintain at least 90 percent of their funding level from previous years, diluting state support for the education of disadvantaged children.
- **Funding:** The authorization levels in the discussion draft will be insufficient to meet the primary goal of the ESEA, to ensure that disadvantaged children are provided an education that allows them to compete on a level playing field with their more advantaged peers. The draft essentially freezes funding for the ESEA, leaving it below pre-sequester levels and significantly below the authorization levels agreed upon when the law was last reauthorized. The reauthorization of a bill is a time to be aspirational; it is not a time to give up on a generation of children.

Relieving the devastating pressure of our current high-stakes testing and accountability system

AFT members have seen the devastating impact of high-stakes testing, which began with the No Child Left Behind Act and continued with Race to the Top and waivers. Students are taking an increasing number of tests, the curriculum is being narrowed, and the joy and creativity of teaching and learning have been removed from the classroom. High stakes and punitive, limited interventions have created a test-and-punish system, not the support-and-improve structure that our students, teachers and schools need.

High-stakes testing for teacher evaluation has narrowed the curriculum and done nothing to support or improve a teacher's practice. Instead, it has led to a test-obsessed system where teachers are often discouraged from working with the neediest students and collaborative teacher practice is discouraged. An Ohio Department of Education study shows that tests used for teacher evaluation and federal accountability measures take up most of school testing time. This is why the AFT strongly supports the discussion draft removing the federal government from the business of teacher evaluation and acting as every school district's human resources department, and firmly believes that the federal government should not mandate states' teacher evaluation systems.

Such systems are best left to be developed at the state and local levels. To be successfully designed and implemented, comprehensive teacher development and evaluation must foster collective responsibility and accountability, and there must be a willingness and a readiness of all stakeholders—union leaders, administrators, policymakers, parents and the broader community—to work together. There is no question that this is best done at the local level.

To move toward a better system, the AFT believes that the federal requirement for annual tests in grades 3-8 and once in high school should be maintained. This will provide information about whether students are working at grade level, inform instruction and help teachers better assess their students' needs. The AFT supports the discussion draft's inclusion of a provision allowing for performance assessments that are comparable and measure and support higher-level thinking and teaching.

The AFT believes that the federal government should only require states to judge schools based on a comprehensive, meaningful accountability system. New accountability systems should be adopted that help support children's acquisition of the skills and knowledge they need, rather than simply testing and sanctioning. In communities across the country, we're seeing more and more examples of the building blocks of "new accountability," where students demonstrate their learning, teachers have data to inform instruction, and parents and communities know how their schools are doing. To begin this process, states should base school-level accountability only on tests taken once per grade span—once in elementary school, once in middle school and once in high school—and these assessments should be added to other meaningful learning outcomes, such as portfolio assessments, course accumulation, project-based learning and qualitative measures like school climate and surveys.

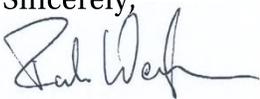
In addition, the AFT believes that accountability systems should be required to measure and document the provision of core resources. The federal government should require that any state that failed to make progress toward eliminating inequities for two consecutive years would not be eligible to receive competitive grant funding. Local education agencies should also be required to develop a plan to address inequities.

The AFT also believes that school improvement initiatives should be neither narrow nor rigid. School systems should be able to choose, with input from school staff, from a variety of strategies and provide evidence that the strategies selected are those suited to the school and community. These could include:

- grants for individualized plans for students who are overage and under-credited, to provide such students a path with supports (which could include career and technical education) to reach graduation and beyond;
- grants for states and/or districts to have project-based learning requirements for middle school students;
- supports for children who are not reading on grade level by third grade and grants for states and/or districts to have service requirements for high school students;
- ongoing, embedded professional development;
- data-driven instruction and ongoing supports for novice and experienced teachers alike;
- teacher voice in instructional and school decision-making;
- appropriate wraparound services, such as health screenings and other social services and referrals;
- programs to educate parents regarding instructional programs; and
- supports that reflect the diversity of families, including language, family composition and cultural differences.

We look forward to working with you as the process continues. More specific recommendations are attached.

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

AFT Comments on Senator Lamar Alexander's Draft Bill

Standards: The AFT supports the provision that all states are required to adopt college- and career-ready standards. In addition to the standards in math, reading/language arts and science required in the Alexander bill, the AFT believes that states should adopt standards in social studies. States should be required to describe how they will ensure a well-rounded curriculum that includes history, civics, career and technical education, geography and the arts.

ESEA should also require that states and districts work with teachers to develop a high-quality curriculum and professional development, provide teachers and students with the time needed to try out new methods of teaching to the standards in their classrooms, commit financial resources to ensure its success, and engage parents and the community.

Assessments: In order to provide parents and communities information about whether students are working at grade level or struggling, to inform instruction and to help teachers better assess their students' needs, the federal requirement for annual tests in grades 3-8 and once in high school should be maintained. In service of transparency and to identify where learning gaps exist, the results of these assessments should continue to be disaggregated for all subgroups and should be available publicly.

This is different from using assessments for accountability purposes. The AFT believes it is vital to reduce the unintended yet detrimental pressure of high-stakes testing. But all parents should have the right to know about and opt out of assessments if they so choose. The AFT supports the provision to develop and improve academic assessment instruments, such as performance-based assessments that emphasize the mastery of standards and aligned competencies in a competency-based education model; technology-based academic assessments; computer adaptive assessments; and portfolios, projects or extended-performance task assessments.

To limit duplicative and unnecessary testing, the AFT supports requiring state education agencies (SEAs) and local education agencies (LEAs) to audit their testing programs to determine whether tests are unnecessary or duplicative; if they are, state or local tests should be limited as appropriate.

The AFT also recommends that the Government Accountability Office study classroom time spent on testing and test preparation, and whether tests are duplicative.

Title I State Plans: The AFT supports the provision that prohibits the Secretary of Education from requiring a state to include teacher evaluation in state plans. The federal government should not be the human resources department for our schools. Race to the Top and the Department of Education's NCLB waivers have made high-stakes tests and value-added measures (VAM) the centerpieces of K-

12 education. That policy has been misguided and ineffective, and it should be discontinued.

Report Cards: The AFT does not support the provision that requires states that implement teacher and principal evaluation systems to provide the evaluation results of educators on state report cards. Even with the prohibition on personal information, the evaluation results from these systems are so flawed as to be considered inaccurate and, as such, should not be considered valid information to be included on a state report card. The American Statistical Association opposes the use of value-added measures for high-stakes decisions, including teacher evaluations, as VAMs are generally based on standardized test scores and do not directly measure potential teacher contributions toward other student outcomes. In addition, VAMs typically measure correlation, not causation: Effects—positive or negative—attributed to a teacher may actually be caused by other factors that are not captured in the model. Under some conditions, VAM scores and rankings can change substantially when a different model or test is used.

The Rand Corp. and the Board on Testing and Assessment of the National Academy of Sciences' National Research Council also conclude that VAM results shouldn't be used to evaluate individual teachers. These programs are statistically flawed; basing the evaluation on these ineffective systems will continue the overreliance on inappropriate test data and will do nothing to support or improve a teacher's practice.

The AFT also supports requiring states and districts to report on average class sizes by grade, with data disaggregated by high- and low-poverty schools. Class size has been proven to be a significant factor in student success. In addition, we support including information on national class size data, and average class size trends per state and LEA, with information disaggregated by district and poverty level, in the secretary's report card to Congress.

Accountability systems: The AFT believes it is critical to relieve the unintended yet detrimental pressure of high-stakes tests by basing federal accountability on a robust system of multiple measures. The federal government should only require states to judge schools based on a comprehensive, meaningful accountability system with a robust system of multiple measures. New accountability systems should be adopted that help support children's acquisition of the skills and knowledge they need, rather than simply testing and sanctioning. In communities across the country, we're seeing more and more examples of the building blocks of "new accountability"—where students demonstrate their learning, teachers have data to inform instruction, and parents and communities know how their schools are doing. To begin this process, states should only be required to include tests taken once per grade span: once in elementary school, once in middle school, and once in high school. And these assessments should be added to other meaningful learning outcomes like portfolio assessments,

course accumulation, project-based learning, and other qualitative measures such as school climate and surveys.

In addition, the AFT believes that accountability systems should be required to measure and document the provision of core resources. The federal government should require that any state that failed to make progress toward eliminating inequities for two consecutive years would not be eligible to receive competitive grant funding. And LEAs should be required to develop a plan to address inequities as well.

Graduation rates should also be included in the accountability system, but LEAs should be allowed to calculate and be held accountable for graduation rates that allow some students, including English language learners, students with disabilities, and those in career and technical education pathways, more than four (and up to six) years to graduate.

English language learners, students with disabilities, and those in career and technical education pathways should be appropriately included in assessment and accountability systems. To help do this, ESEA should provide states or state consortia funds to develop native language and linguistically modified tests and to provide guidelines for school districts on these tests.

Interventions: School improvement initiatives should be neither narrow nor rigid. To combat this, school systems should be able to choose, with input from school staff, from a variety of strategies and provide evidence that the strategies selected are those suited to the school and community. These should include:

Strategies that Focus on Students' Needs: These could include grants for individualized plans for students who are over-age and undercredited to provide such students a path with supports (which could include career and technical education) to reach graduation and beyond. They could also include grants for states and/or districts to have project-based learning requirements for middle school students, provide supports for children who are not reading on grade level by third grade, provide individualized education plans for students who are over-age and undercredited, and have service requirements for high school students.

Strategies that Focus on Teachers' Concerns: These could include ongoing, embedded professional development; data-driven instruction and ongoing supports for novice and experienced teachers alike; teacher voice in instructional and school decision-making; common planning time for staff, including the flexible schedules to allow for this and any time beyond the prescribed day, week or year; early involvement and buy-in with turnaround planning; and peer involvement in staffing selections.

Strategies that Focus on Parent and Community Roles: These could include early buy-in by parents and the community; ongoing parental involvement in all

aspects of school life; appropriate wraparound services, such as health screening and other social services and referrals; increased opportunities for parent-teacher interaction; and programs to educate parents regarding instructional programs and supports that reflect the diversity of families, including language, family composition and cultural differences.

Comparability: The AFT supports the provision in the Alexander discussion draft that maintains existing comparability requirements.

Paraprofessional Qualification Requirements: The AFT is concerned that the Alexander discussion draft eliminates the qualification requirements for paraprofessionals working in Title I schools. These requirements are important, as many states do not have such standards in place to ensure that such paraprofessionals are qualified or prepared.

“Follow the Child” Provision (Title I Portability): The AFT opposes the inclusion of the “Follow the Child” provision. Portability undermines the purpose Title I to combat concentrations of poverty and denies school districts the ability to target the funds to where they are most needed. Additionally, portability as outlined in the Alexander draft would add another layer of federally mandated bureaucracy and data collection to school districts, and would open the door to private school vouchers.

Title II—High-Quality Teachers and Principals

America’s teachers are national treasures, doing the most important job in our country—educating children for today’s democracy and tomorrow’s economy. They enter the profession to change lives; this is particularly true of those working with our most at-risk and disadvantaged students.

Unfortunately, too often, they’re making it happen without the resources, support or trust they need to get the job done. Too many new teachers are thrown into the classroom to sink or swim, without training or support.

The AFT opposes the Alexander discussion draft language that allows states to direct Title II funds, which are dedicated to supporting teachers and reducing class size, toward other educational programming if they choose. Small class size is particularly important for disadvantaged students, who benefit from more individualized attention, and this provision puts at risk the support and development, including the classroom aides that many teachers rely on for professional growth.

In addition, further targeting will be lost with the “transferability” requirement that allows states and LEAs to transfer up to 100 percent of the respective funds received under Titles II and IV, moving funds from their targeted purposes.

Teacher and principal evaluation: The AFT supports that the Alexander discussion draft does not mandate that states implement teacher and principal evaluation systems.

Title IV—Safe and Healthy Students

The AFT opposes the language in the Alexander discussion draft that block-grants Title IV and eliminates critical programs such as 21st Century Community Learning Centers, Promise Neighborhoods, the Advanced Placement program and school counselors. All of these initiatives provide needed support and services to students and without targeted purposes. History shows that when programs are consolidated, funding and targeting is lost.

Along these lines, it is crucial that the bill authorize the Full-Service Community Schools program and maintain language that allows 21st Century funds to be used for community schools. Given the impact of out-of-school issues on student achievement, it is essential that there be a focus on strategies like full-service community schools that leverage public and private resources to address these issues.

Title V—Charter Schools

The AFT is pleased that the draft includes language that seeks to improve charter schools in a number of areas, including accountability, equitable access and transparency, but there are a number of key additions that should be made. Charter schools should be held to the same standards as traditional public schools, which is why federal oversight is so important. While the draft increases the amount of information available to parents, a reauthorized ESEA should specifically require charters to publicize their student discipline policies, behavior codes and parent contract requirements, which should include any financial obligations such as fees for tutoring and extracurricular activities.

The AFT also believes that states receiving charter school grants should be required to set aside a portion of the grant amount for financial oversight of charters. A report from the Center for Popular Democracy and Integrity in Education outlines \$100 million in losses to taxpayers in 15 of the largest charter markets since charter schools entered these markets. This is a problem that must be addressed.

Finally, the bill should include language that supports the use of the federal Local Education Agency Finance Survey by charters schools. The form is currently used by most public schools, except for charters, and common usage would allow for more-accurate comparisons of how the two sectors utilize funding.

Improved accountability and transparency is owed to the students who attend charter schools and to the taxpayers who financially support these schools. By including the above provisions, Congress would in no way be limiting charter

schools' potential to serve as laboratories of innovation. It would, however, be ensuring that those innovations are transparent, sustainable and scalable, and that all our public school students and their schools are treated equitably.

Title IX—General Provisions

Maintenance of Effort: The AFT opposes the elimination of the maintenance-of-effort requirement. This undermines the intent of ESEA: to provide federal funds to concentrations of disadvantaged students by allowing states to use federal funds to displace state funding. It does this by doing away with the requirement that states maintain at least 90 percent of their funding level from the previous year's allocation. The decision to strike this requirement from the law, combined with the flat funding levels included for programs in the bill and the looming threat of sequestration, will undoubtedly negatively affect districts educating our nation's most disadvantaged students.

New Provisions: The current ESEA structure was created back in 2001. The world has changed dramatically since then, and we know more about the critical need for out-of-school supports and early education in order to achieve success for our K-12 students.

We don't think every need requires a federal program, but when the data is clear and the need is national, we should step up and take action. The need to eradicate poverty and create opportunity and shared prosperity is as great now as it was 50 years ago. According to the Southern Education Foundation, 51 percent of students in prekindergarten through 12th grade in the 2012-2013 school year were eligible for the federal program that provides free and reduced-price lunches. That is half of the public school population.

And research clearly shows that approximately 80 percent of the factors that affect student achievement scores are outside of school.¹ Thus, the AFT supports the addition of a **new title** to address the fact that two-thirds of the achievement gap is attributable to out-of-school factors by creating grants to districts for community schools and wraparound services.

Through strong family engagement, socio-emotional supports and engaging instruction, community schools help promote an environment where everyone can do their best: Kids are better able to learn, and teachers can focus more on instruction, knowing their students' noninstructional needs are being met.

The AFT also would support a dedicated funding stream for school-based early childhood education programs. High-quality early childhood programs are crucial to preparing students to meet high academic standards. These programs are an integral part of a child's education continuum and must be given the

¹ Steven G. Rivkin, Eric Hanushek and John Kain, "Teachers, Schools, and Academic Achievement," *Econometrica* 73, no. 2 (March 2005), 417-458.

attention, resources and funds they need. Linking early childhood education and care to the public school system through ESEA will help ensure that early childhood programs benefit from the public education infrastructure of state-certified teachers, professional development, professional salaries, facilities and other resources.

Early childhood education and care programs, however, must not be funded at the expense of the K-12 system. A dedicated funding stream for ECE within ESEA that is focused on high-quality, accessible early childhood education and care programs should address access, funding, school readiness, provision of comprehensive services, a highly qualified workforce, standards for program quality and accreditation, and implementation of transitioning services.

Funding: The authorization levels in the Alexander draft will be insufficient to meet ESEA's primary goal of ensuring that disadvantaged children are provided an education that allows them to compete on a level playing field with their more advantaged peers. Title I is authorized at its current funding level—\$14.9 billion—for the next five years. Other programs in ESEA are also frozen at current levels. This sends an important signal about the direction Congress wants to take on funding.

The AFT believes that ESEA must increase current funding levels for Title I and other targeted formula programs to ensure that districts serving high concentrations of disadvantaged students receive requisite resources. This includes increasing funding levels for school districts and schools with large concentrations of children in poverty to enable all eligible schools to serve all eligible children. The bill must also include additional targeted funding for student support services, including community schools and professional development programs.