



*A Union of Professionals*

**Testimony of Randi Weingarten  
President, American Federation of Teachers Before  
the U.S. Senate Committee on Health, Education, Labor, and Pensions**

Full Committee Hearing on ESSA Implementation:  
Perspectives from Education Stakeholders

May 18, 2016

Good morning. My name is Randi Weingarten, and I am president of the American Federation of Teachers (AFT). It is my privilege to be here today to represent our views on the implementation of the Every Student Succeeds Act (ESSA).

I will focus my comments today on the regulatory process, particularly on what the U.S. Department of Education has released so far on ESSA's supplement-not-supplant provisions and what we anticipate will be released on accountability systems.

The AFT views these policy details through the lens of whether they are workable in America's classrooms and reflect the voices of educators. We were pleased to see that Sen. Patty Murray and Rep. Bobby Scott recently reiterated this priority in a joint letter to the administration.

Unfortunately, in its first regulatory actions—on the proposed supplement-not-supplant rules—the Education Department demonstrated that it was neither listening to stakeholders nor following the framework of the legislation. Instead, by conflating supplement-not-supplant and comparability policies, the department is pursuing an agenda that was either rejected or barred in the legislative process.

The AFT believes in both equity and excellence for our children and there are several ways to accomplish this. One is through full funding of Title I, something we will keep fighting for through the appropriations process. AFT members, and most people involved in the education of children, would love to have a discussion about “leveling up” spending (rather than “leveling down”), so that those schools currently spending the least could be made whole.

ESSA continues important equity safeguards so states cannot deny disadvantaged children the additional funding that the federal government has provided to level the playing field.

---

The **American Federation of Teachers** is a union of 1.6 million 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.

Randi Weingarten  
PRESIDENT

Lorretta Johnson  
SECRETARY-TREASURER

Mary Cathryn Ricker  
EXECUTIVE VICE PRESIDENT

American Federation of Teachers, AFL-CIO • 555 New Jersey Ave. N.W. • Washington, DC 20001 • 202-879-4400 • [www.aft.org](http://www.aft.org)



Let me tell you why I disagree with the Department's supplement not supplant proposal. The Department essentially wants to make dollar for dollar comparisons rather than what happens now. Right now, principals have a number of teachers they can hire based on positions, rather than a dollar amount they can spend. We don't want a teacher's salary and benefits to keep him or her from getting hired, just like we don't want a teacher's salary and benefits to force him or her to be transferred.

Will schools have the latitude to make staffing decisions—like how many experienced teachers they retain or how many new teachers they hire—based on their own needs? Or will some schools face cuts that compel them to make no-win choices about which teachers to keep or hire?

Here are some other real world examples of how this will play out:

- If a school expands and hires new teachers, other schools could have their staffing cut so as to average out.
- Sometimes districts create specialized programs in one school, such as a dual-immersion language program. By necessity, such programs hire staff with specialized backgrounds or credentials—for example, professionals who are new to teaching but whose backgrounds and skills are particularly appropriate for the new program. Again, schools with specialized programs should not have to “level down” the amount spent on their programs to ensure equal spending across a district.
- Dollar-for-dollar comparisons in a district can even be thrown off by something as simple as how many teachers in each school have individual health insurance coverage rather than family coverage.

These types of unintended consequences are major disruptions that have nothing to do with equity and opportunity. When you force districts to count exact spending in a school, the goals get lost in translation. We cannot equalize spending without creating winners and losers.

We are also concerned that the Education Department will take the level of prescription it has proposed for supplement-not-supplant to the upcoming regulations on school and district accountability systems. This could strip the flexibility necessary to create accountability systems that envision new ways to define and measure learning—as opposed to the current and far too restrictive and counterproductive focus on test scores. The promise of ESSA lies in the opportunity for states, with broad stakeholder input, to create robust systems of accountability that redefine how to measure learning to be more about what learning really is—not simply math and reading test scores.

The department's actions on supplement-not-supplant signal that it will try to restrict the weights that states can put on different measures in their accountability systems, that it will attempt to impose rules around the 95 percent participation requirement that go well beyond the letter of the law, or that it will very narrowly define terms such as “significant” or “evidence-based” that were carefully negotiated by Congress to provide states latitude to decide what is best.

ESSA's unprecedented prohibitions against overreaching by the Education Department were intended to curb this type of action. Stakeholders are beginning the process of developing these new education systems. The Education Department's overreaching draft regulations, especially if they are a harbinger of what is to come in the way of accountability, will undermine the potential of ESSA before it ever has a chance to be implemented.

I would like to thank Sen. Alexander for remaining so vigilant on this issue and working to make sure that ESSA is appropriately implemented.