



February 3, 2012

Chairman John Kline
House Education and the Workforce Committee
U.S. House of Representatives
Washington, DC

Dear Chairman Kline

The undersigned groups represent local education organizations dedicated to advocating for federal education policies that provide, support and enhance excellence in education in our nation's public schools. We thank you for your ongoing efforts in working to reauthorize the Elementary and Secondary Education Act (ESEA) and hope that the important work of getting policy for local school districts properly aligned will move forward. We strongly believe that reauthorization is crucial to providing the nation's schools with relief from current law, which is both seriously flawed and lacking in the flexibility states and local school districts need to support student learning and achievement.

We believe that your draft legislation, the Student Success act and Encouraging Innovation and Effective Teachers Act, represents steps in the right direction and makes improvements in accountability, standards and assessments, including the elimination of the arbitrary 100% proficiency deadline; a flawed system of adequate yearly progress; annual measurable objectives; supplemental education services/choice; and the rigid and ineffective models for school improvement.

For all the constructive proposals within these two bills, both bills contain provisions that give us pause. We strongly urge the Committee to make needed changes as both bills move forward. Further, we emphasize the importance of ensuring that the reauthorization process remains both transparent and open, allowing stakeholders the opportunity to weigh in and participate.

Our greatest shared concerns are:

Maintenance of Effort: We firmly oppose your proposal to eliminate Maintenance of Effort (MoE). MoE helps ensure the continuity of state and local funding efforts, and the lack of MoE requirements we fear could trigger a 'race to the bottom' in state and local support for public education, often under the guise of fiscal distress. Current MoE provisions provide the greatest protection to low-wealth districts that generally educate more low-income students. These low-income districts generally receive the majority share of their funding from the state, and if states are allowed to cut funding, the most vulnerable districts—those that teach the most vulnerable students—will be hurt disproportionately. Elimination of MoE would compound fiscal pressures at the local level, upending the driving principle behind Title I as federal dollars would be used to backfill holes in state and local support. We urge the committee to retain current law related to Maintenance of Effort.

Vouchers: The draft legislation inappropriately sets a precedent in expanding private school authority over the allocation and use of public funds, including an explicit reference to using federal education dollars for

non-public use, including scholarships (vouchers) for private school tuition. We firmly believe that public dollars are for public schools and oppose this measure.

Funding Cap: The House proposal would cap increases for Title I funding to a function of FY12 base funding and a CPI-related adjustment. We are concerned that such a proposal ties the hands of future federal legislators to prioritize formulas, and to adjust flexible funding and fails to recognize changes in enrollment or poverty levels. Sizeable changes in enrollment, coupled with a funding cap, would actually reduce per-pupil funding levels. We urge the committee to authorize at levels that will provide the resources needed to help all students.

Professional Development: There is a diminished focus on professional development and not enough support for education staff in the school building. The language says Title II funds “may” be used for job-embedded professional development to help teachers improve, but unfortunately quality professional development is not required. We believe that high quality professional development is needed to ensure the continuous improvement of all educators.

Equitable Participation: The House provisions regarding services to eligible students in private schools have been made more costly, cumbersome and bureaucratic, which will cut into the base services without improving student outcomes and likely strain relations between public and private school leaders. The language requires that services be provided to private school students on an equitable and individual basis, or in combination, as requested. This represents a significant departure from current law, and comes uncomfortably close to resembling a voucher program. We oppose the proposed changes and ask the committee to retain current law.

Charters: The draft language advocates adoption of the provisions of HR 2218, the House-passed charter bill that reflects a weak and inadequate approach to transparency and accountability in charter school operations. Charter schools must be held to the same accountability system as other public schools and should have to answer to parents and taxpayers for all of their funding sources. We are concerned that the House bill’s emphasis expands both the entities that can authorize new charters as well as the number of charters, especially when we consider the lack of solid research demonstrating that charter schools are significantly better than traditional public schools. We urge the committee to designate local education agencies as the only authorizing entity, based on the CREDO research study that found that multiple authorizers resulted in lower quality charter schools. If the committee remains committed to expanding the role of charters, we urge the committee to rewrite the provisions to ensure that charter and traditional public schools face the same environmental, labor, due process and fiscal laws.

Rural: We are concerned that the proposed changes to the Rural Education Achievement Program (REAP) are unnecessary for a program that has widely proven successful in its ability to leverage formula, flexible dollars to LEAs to support student learning. While the ‘hold harmless’ provision catches a portion of the LEAs that would no longer be eligible under the proposed changes, we are concerned that the changes, in their totality, limit the effectiveness of REAP. Specifically, we are opposed to statutory changes that lower the enrollment level for small schools to 450 from 600, that rely on census data for the poverty indicator when the U.S. Census Bureau itself acknowledges its lack of precision in counting populations in small communities, that eliminate the program’s direct-to-district component, and that include mandated uses of funds and other requirements. We urge the committee to maintain current law or adopt legislative language similar to that of the Senate HELP bill, reported out of committee in October 2011.

Class Size: The draft legislation would limit class size reduction efforts to ten percent of Title II, a significant reduction from current use and practice, which is approximately 38 percent. We are concerned that capping

this funding would translate into local districts not having the funding necessary to continue paying the salaries of educators who were previously funded with federal class size reduction funds, leading to a direct decrease in services provided to students who are most in need. We are opposed to the cap and urge the committee to eliminate the proposed change.

Local Capacity Building: We are concerned that the House bill fails to adequately address how States would support local school districts in building their capacity to assume expanded responsibilities. As a result of this legislation, local school districts could expect additional challenges in implementing new standards, new assessments, new curricula, requirements for additional instructional materials and a restructured accountability system. An objective review of the operational impediments and barriers to local school districts would suggest that States must assist local school districts to build or strengthen their own capacity to ensure their success. We recommend that states indicate in their plans how they will support local school districts to build their capacity and successfully carry out their accountability responsibilities.

Thank you for your ongoing efforts in reauthorizing ESEA. We welcome the opportunity to work with you in the months ahead to improve the proposed legislation, as outlined above.

Sincerely,

American Association of School Administrators
Association of Education Service Agencies
National Association of Elementary School Principals
National Association of Secondary School Principals
National Rural Education Advocacy Coalition
National Rural Education Association
National School Boards Association