

November 20, 2015

The Honorable Harold Rogers  
Chairman  
Committee on Appropriations  
U.S. House of Representatives  
H-305, The Capitol  
Washington, DC 20515

The Honorable Nita Lowey  
Ranking Member  
Committee on Appropriations  
U.S. House of Representatives  
H-305, The Capitol  
Washington, DC 20515

The Honorable Thad Cochran  
Chairman  
Committee on Appropriations  
U.S. Senate  
Room S128, The Capitol  
Washington, DC 20510

The Honorable Barbara Mikulski  
Ranking Member  
Committee on Appropriations  
U.S. Senate  
Room S128, The Capitol  
Washington, DC 20510

Dear Chairmen Rogers and Cochran and Ranking Members Lowey and Mikulski:

We write to request that you include a specific policy provision in the Fiscal Year 2016 Labor, Health and Human Services, Education, and Related Agencies appropriations bill currently being prepared by the appropriations committees.

The bills that passed both of your committees this year included a key policy provision prohibiting the U.S. Department of Education from promulgating or enforcing regulations for each of the 25,000 teacher preparation programs in the United States.

This regulatory effort has been underway since negotiated rulemaking was undertaken in 2012. Ultimately, the negotiated rulemaking process failed to reach consensus. In April 2014, the Department transmitted proposed regulations to the Office of Management and Budget (OMB) and on December 3, 2014 OMB, through the Federal Register, initiated a 60-day public comment period. Reaching further than the proposal that failed in 2012, this current proposal would carry high-stakes consequences for the profession and the future of teaching in America.

In particular, the proposed regulations direction runs counter to the work of the Congress on the reauthorization of the Elementary and Secondary Education Act (ESEA). The proposed regulations would require student learning outcomes, as established through testing and assessment, to be the main metric of four measures to be applied to each individual teacher preparation program to assess effectiveness. (Please note that some institutions of higher education have nearly 60 individual teacher preparation programs and consider the burden that would accompany this requirement.) The proposed regulations as drafted and released in 2014 would make permanent the waiver requirement of testing or assessing in non-tested grades and subjects in order to fully comply with this regulation. This emphasis is in direct conflict with the work of your colleagues on the reauthorization of ESEA, where we see the reduction of testing and assessment and dissolution of the waiver agreements.

In addition, the federal government is not contributing to the cost of creating a teacher preparation accountability system capable of connecting individual student test scores to the preparation program of their teacher. In a submission to OMB in response to a request for comments on the U.S. Department of Education's cost and burden analysis found in the proposed regulations, the State of California – a non-waiver state – estimated that it would cost approximately \$265 million to get up to speed and an annual cost of \$480 million to implement these regulations. States would have to find the money to comply in a time of constraint and tight budgets for both higher education and PK-12 education.

The resulting rating from the proposed accountability system would be used to determine eligibility for the TEACH grants, a \$100 million federal student financial aid program to support teacher candidates in affording college. Linking a program rating to access to federal student financial aid would be both a high-stakes consequence and a drastic policy change. Such a significant shift should be debated through the reauthorization of the Higher Education Act, not dictated through a federal regulation.

Additional concerns about the proposed regulations include their increased burden on new teachers and their principals, the disproportionate impact on Minority Serving Institutions, the effect on the diversity of the teacher workforce, the impact on recruitment and retention in high-need fields such as special education and the STEM disciplines and at high need schools, and the effect on college access and affordability – as well as the unintended consequences yet unforeseen.

With nearly 94 percent of the 4,580 responses to the proposed regulations in opposition to the proposed teacher preparation accountability system, these regulations are not supported by the teaching profession – including those in the classroom and those preparing candidates for the classroom. We agree that each child should have access to a profession-ready teacher, and to ensure that happens, preparation programs must be able to innovate and adapt to changing demographics, technologies, and workforce needs. Teacher preparation and its stakeholders are not afraid to be held accountable – in fact, programs already are held accountable at the institutional and state levels, and many also participate in voluntary professional accreditation. However, being forced to adhere to a draconian compliance system such as that proposed in the regulations would only redirect time, energy, and resources from reform and innovation.

The reauthorization of the Higher Education Act (HEA) is the appropriate forum for examining this drastic policy change. Prohibiting administration action on this regulation until HEA is reauthorized would ensure that the teaching profession and its stakeholders would be able to engage the Congress on this and other proposals affecting the field.

We urge you to exert your authority to block the promulgation and enforcement of these proposed regulations via a policy provision in the FY2016 Labor–H appropriations bill. Thank you for your time and attention to this request on behalf of the profession.

Sincerely,

American Association of Colleges for Teacher Education

American Indian Higher Education Consortium

American Society for Engineering Education

American Statistical Association

Association of Jesuit Colleges and Universities

Association of Latino Administrators and Superintendents

Council for Christian Colleges and Universities

Disability Rights Education and Defense Fund

Hispanic Association of Colleges and Universities

Higher Education Consortium for Special Education

Learning Disabilities Association of America

National Association of Independent Colleges and Universities

National Association of School Psychologists

National Conference of State Legislatures

National Council of Teachers of English

National Science Teachers Association

Public Advocacy for Kids

The Rural School and Community Trust

The School Superintendents Association

Teacher Education Division of the Council for Exceptional Children

United Negro College Fund