November 8, 2001

Representative John Boehner  
US House of Representatives  
1011 Longworth Office Bldg.  
Washington, DC 20515

Dear Representative Boehner:

The American Association of School Administrators (AASA), the professional association of local school system leaders, regrets to report that we will not support the final conference report on HR 1.

HR 1 as we understand its progress in conference has three and possibly four major flaws. Both the House and Senate versions wrest control over both evaluation of schools and accountability of professionals from the states and federalize those critical educational policies. Both the House and Senate bills also establish federal supremacy in setting teacher qualifications, and set qualifications that are simply beyond the ability of schools to meet by requiring certified teachers in every classroom in a time of a severe teacher shortage. Beyond overreaching federal control is the failure of the bill to improve the targeting of Title I and Title II funds to schools where poverty is concentrated. Finally, the Hagel/Harkin full funding for IDEA provision may not be included in the final conference report. There are other problems in HR 1, but those problems are of a lesser nature.

There are also clear improvements in HR 1 that make support possible if the flaws are repaired. The improved provisions include: the rural education programs, consolidation in programs for immigrant students, technology and teacher training, the flexibility from the transferability provisions, and the small but important test quality improvements.

The first statement of findings in the House bill recognizes that education is a state responsibility, and the federal role is to supplement with a focus of concentrations on poor kids. Then HR 1 directly contradicts the first finding by asserting federal supremacy in the three most crucial areas of schooling, teacher qualifications, evaluation and accountability. The failure to improve targeting is an even more egregious problem because so much more is expected of schools where poverty is concentrated. Asking teachers and principals to do more but not providing the funds needed to attract more qualified teachers and improved materials is simply wrong.
AASA will support HR 1 under four conditions. First, federal control over the evaluation and subsequent accountability must either be limited to Title I schools, or all public schools should be placed under the umbrella of the state evaluation and accountability systems. Second, the qualifications of teachers must be left under state control. Third, the targeting of Title I and Title II funds must be tightened to ensure that the schools with the greatest problems get funds that are adequate to the task at hand of raising achievement under the most difficult conditions. Finally, full funding for IDEA must be included.

When the reauthorization process started two years ago AASA stressed three points. First, that a larger percentage of funds allocated through ESEA be targeted directly to local education agencies (LEAs) and then to schools enrolling concentrations of the poorest students. Second, programs in ESEA should be judged by the same criteria that states use to evaluate public schools in general. And third, that the 55 programs in ESEA be consolidated to create fewer, bigger, better targeted and more accountable federal programs.

Unfortunately, none of these principles is likely to be included in the final HR 1 conference report. Instead, HR 1 is certain to include a massive federal intrusion into state and local operations and decisions, which will result in a reduction in targeting of funds to LEAs and schools enrolling the highest concentrations of poor students.

HR 1 establishes the supremacy of the federal government in teacher qualifications, testing, evaluation and accountability in schools that do not receive federal funds as the price for state of ESEA funds. Exerting federal supremacy in an area as crucial as evaluation for schools receiving no federal funds is uncalled for and is contrary to our reading of President Bush’s original blueprint, “No Child Left Behind.” Worst of all, this federal intrusion into state decision-making authority comes wrapped in a huge increase in required reports, consultation and new paperwork. HR 1 expressly desires to hold down administrative costs. There is a clear disconnection between the desire to reduce administrative costs and the addition of piles of new paperwork. Congress can accomplish the same goal by reversing the locus of control and putting Title I schools under the umbrella of the state evaluation system.

The federalization of school evaluation and accountability is exactly the opposite of what AASA sought. Systems for evaluating schools and holding educators accountable for their work have evolved with massive public input and are now functional in all 50 states. The state systems all started where HR 1 is—at the “gotcha” stage. In the “gotcha” stage the chief desire is to punish ineffective schools and educators. Each state system has slowly evolved to an emphasis on improving practices and personnel in all schools and providing both carrots and sticks for the lowest performing schools.

This situation is analogous to the federalization of testing in the 1994 “Improving America’s Schools” amendments to ESEA. What the states did not do, which upset some people in Washington, was create the testing system envisioned in the 1994 Improving America’s Schools amendments to ESEA, wherein the state assessment systems were federalized. The states chose to develop tests that represented the priorities of those paying 93 percent of K-12 expenditures rather than the tests that were being pushed from Washington.
Requiring that every teacher be fully certified is simply an impossible task. There is a teacher shortage because of low pay and prestige. Local schools are all going to have cuts in state aid and local revenues because of the economic downturn so the needed raises are out of the question. Also, 18 years of unchecked bashing of public schools have taken a toll on the attractiveness of teaching as a career.

Arguably the act establishing the U. S. Department of Education bars federalizing both the processes for evaluation of all public schools and holding educators accountable for results. The leap to federalize the evaluation of schools and accountability for educators and establish teacher qualification requirements in schools that receive no federal funds is unwise and unwarranted. From a more practical perspective, we do not believe that the 7 percent federal contribution justifies such prescriptive intrusion in the operations and staffing of local public schools. Because of the possible legal problems associated with exerting federal control over state responsibilities, we urge that a “severability clause” be added to HR 1.

AASA is proud to be the first organization to call for making IDEA funding mandatory. We called for mandatory funding to enforce the 26-year-old promise that the federal government would provide 40 percent of the national average per pupil expenditures for special education. We were buoyed when the Harkin/Hagel amendment was included in the Senate passed version of HR 1. That sense of hope turned to dismay when House members of both parties and the president launched concerted efforts to prevent any progress toward full funding of IDEA, although all were previously on record supporting this federal commitment.

We urge the conferees to rewrite the evaluation, accountability and teacher qualification provisions of HR 1 and maintain the principle of federalism that forms the foundation of our nation’s public education systems. Focus on poverty can be improved simply by greater use of the Title I targeted grant provisions in current law. And the conference committee must include mandatory funding for IDEA.

We urge you to review these four goals and we pledge to work with you in order to accomplish progress in these areas. Please do not hesitate to contact us if you have further questions.

Sincerely,

Bruce Hunter
Associate Executive Director, Governmental Relations