



## **Concerns with the U.S. Department of Education's Proposed Regulations for Teacher Preparation Programs**

### **Growing Conflict Between ESEA Reauthorization and HEA Regulation**

As Congress works to reauthorize the Elementary and Secondary Education Act, we see a departure from the waiver agreements between the Department and the states which require assessment or testing in non-tested grades and subjects (thus testing/assessment in all grades, all subjects). Neither the House nor Senate passed ESEA reauthorization bills maintains this current waiver requirement.

However, the regulation as proposed by the Department in December 2014 would continue the waiver requirement and would move those states without waivers into testing or assessment in non-tested grades and subjects for compliance.

Should the Department keep this requirement in the regulation and the Congress through ESEA reauthorization ends the waivers, we will see a higher education regulation directing K-12 policy and in potential conflict with the Elementary and Secondary Education Act.

### **Federal Overreach**

By mandating that states use a federally dictated rating system and the indicators by which teacher preparation programs must be rated, the proposed regulations insert the federal government into jurisdiction now held by states and institutions of higher education. Furthermore, the proposed regulations extend the federal requirements of the Department of Education's Elementary and Secondary Education Act (ESEA) waivers to states that have chosen not to seek federal waivers. This use of higher education policy to further expand PK-12 policy sets a dangerous precedent.

- The regulations would intrude on state and institutional decision making. For example, program approval and the indicators used to determine such approval are the states' prerogative.
- By linking students' access to federal financial aid (TEACH grants) to the effectiveness rating of their teacher preparation program, the proposed regulations attempt to alter federal financial aid policy through regulation rather than through the legislative process.
- The proposed regulations would expand PK-12 policy by requiring all non-ESEA waiver states to assess all students in nontested grades and subjects – a practice that is currently required only in states with ESEA waivers granted by the U.S. Department of Education or in states that have chosen to participate in the Race to the Top program.
- Policy changes as significant as those proposed by these regulations should have the benefit of the scrutiny and deliberation offered by the legislative process. The Department should submit its proposal to the Congress for consideration during reauthorization.

## **Unfunded Mandate**

The proposed regulations would require statewide data systems to be designed, implemented, and refined in a year, yet offer no federal funding to cover the costs – amounting to an unfunded mandate by the federal government. Given that states are required to balance their budgets, states would have to either take funds away from other programs or raise taxes or fees to comply with this requirement. The cost of implementing this unfunded mandate could be passed on to students via tuition increases and/or decreased state funding for higher education.

The Department estimates the cost of implementation to be \$42.1 million over 10 years, a number that many view as insufficient. Even the Department admits that its estimates may be low:

*“Due to uncertainty about the current capacity of States in some relevant areas and the considerable discretion the proposed regulations would provide States, we cannot evaluate the costs of implementing the proposed regulations with absolute precision.” (p. 71858)*

## **No Evidence of Efficacy**

Currently, no state fully implements the rating system proposed by the regulations for teacher preparation programs. Usually when creating massive new systems such as this one, a pilot program is instituted for several years to determine efficacy. This proposal has never been piloted or evaluated to determine workability, to evaluate effectiveness, or to uncover unintended consequences. Measures of program effectiveness are still being tested for validity and reliability, and attaching high-stakes consequences at this point is ill-advised.

## **Extension of PK-12 “Test and Punish” Model Into Higher Education**

With a rating system, performance levels, and high-stakes consequences mirroring Department policy for PK-12 education, these proposed regulations would extend the “test and punish” accountability model into higher education. Research has demonstrated that using approaches such as value-added methodology to measure teacher effectiveness is fragile at best. Extending these metrics to the evaluation of preparation programs only adds to validity concerns.

## **Unworkability of Proposed System**

Given the complexity of annually assessing 25,000 individual teacher preparation programs using four federally mandated indicators, these proposed regulations are unworkable. Most states do not have the capacity to enact these assessments, as the requisite data systems are not in place. In addition, privacy concerns would be raised, and new burdens on teachers and principals to fill out surveys annually would further pressure limited capacity.

### **Working Against Equity in Education**

ESEA requires states to work to change the disproportionate congregation of inexperienced teachers in high-need schools. Yet these proposed regulations would promote that very practice by incentivizing preparation programs to place first-year teachers in high-need schools, with no funding to build the supports needed to sustain teachers in these settings. Thus the regulations would retard progress toward the equitable distribution of experienced teachers.

### **Disproportionate Impact on Minority-Serving Institutions and High-Need Fields**

The proposed regulations would likely have a disproportionate impact on institutions whose mission includes serving students from underrepresented groups or whose prior education has provided limited preparation for college, including many public and private minority-serving institutions (MSIs). Such institutions prepare significant numbers of candidates to teach in high-need schools. These regulations would compromise the important mission of such institutions. Programs seeking to prepare students for high-need fields, such as special education and English as a second language, could likewise be disadvantaged. The result could be a less diverse workforce and aggravated shortages in high-need fields.

### **Negative Effect on Affordability and Access to College**

Because these regulations would limit access to federal financial assistance for teacher candidates, they would affect the affordability of college for many students. Since low- and middle-income students, as well as students of color, are disproportionately affected by changes in financial aid for higher education, they would likely be disproportionately affected by these regulations. Restricting access to financial aid would turn back the clock on progress in building an educator workforce that is culturally and racially representative of communities served. Finally, with the continually rising cost of higher education, the creation of greater instability in access to student financial aid would likely exacerbate the current decline in teacher preparation program enrollment across the country.