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## The Education Trust

February 11, 2009

Dear Conferee:

We agree with the President that there is no time to lose in enacting the American Recovery and Reinvestment Act. Like you, we want to ensure that legislation is crafted to provide maximum benefit—both short- and long-term—in creating and preserving jobs while also laying a foundation for the serious improvements necessary to secure our nation’s economic future.

American educators and students are making important progress. Achievement is rising and the gaps that separate students of color and low-income students from others are narrower than ever. But much work remains to be done. Students in other countries still outperform students in the United States, and our domestic achievement gaps, though narrowing, still are a disgrace and pose serious threats to our long-term national well-being. The last thing we need right now is for hard-won progress to be derailed by cuts in state and local support for schools.

The education provisions of the American Recovery and Reinvestment Act could help prevent this. If the Conferees act with wisdom and in the interest of vulnerable students, this law will not only sustain, but accelerate student progress.

Four things are especially important to get right:

### **Protect Against Fiscal Shell Games That Could Shortchange Vulnerable Students**

Much has been made of the historic education funding levels contained in the package. But too little attention has been paid to the unprecedented flexibility in the use of those funds that the Senate bill would offer states.

The Senate bill would allow the Secretary of Education to waive both the Maintenance of Effort and the Supplement Not Supplant provisions on the education funding contained in the package. While we are not unsympathetic to the Senate’s desire to provide governors with flexibility to address the unique effects of the national economic crisis on their own states, we also are keenly aware of the long history that states have of shortchanging schools and school districts that serve concentrations of low-income students and students of color. The Maintenance of Effort and Supplement Not Supplant provisions traditionally contained in federal education law have helped protect schools and school districts

receiving federal funds and serving high proportions of poor children from dollar-for-dollar raids on their state funding. Given the pressure on state budgets, these school districts, schools, and children need those protections now, more than ever.

Moreover, the long-term consequences of these waivers may be even more severe than would be their short-term costs. Without Maintenance of Effort, once a state replaces a “state dollar” with a “federal dollar,” the state would be under no obligation to restore it, even after all this funding runs dry and fiscal health recovers. In other words, what now seems to be a funding feast for high-poverty schools could, in fiscal year 2011 and beyond, become a famine if states swap out state dollars for federal ones and are not required to replace them—ever. To avoid this catastrophe, the House provisions on Maintenance of Effort and Supplement Not Supplant need to be included in the statutory language reported out of the conference.

Further, two National Governors’ Association proposals should be rejected: the first, the proposal to decrease the portion of state stabilization and state incentive funds devoted to education; and the second, the proposal to extend waivers for Supplement not Supplant and Maintenance of Effort through 2011. The emergence of these proposals is a clear indication of intent to divert education funds that Congress and the Administration have targeted toward our schools.

### **Ensure Fair Access to Strong Teachers**

The House bill would finally enforce requirements in federal law that states must act to ensure that low-income students and students of color are not taught disproportionately by inexperienced, out-of-field or uncertified teachers. Though research is abundantly clear that nothing matters more to student learning than quality teachers, those federal requirements were ignored by the Bush Administration and by most states. As a result, the very children who most need strong teachers still are typically assigned to the weakest teachers, undercutting the effectiveness of other education reforms, as well as the hopes of millions of American students and parents.

While the Senate bill contains laudable provisions on this issue—most notably its focus on ensuring an increased supply of “effective” teachers in high-poverty schools—the Senate provisions are weaker than those in the House bill and should be strengthened to demand not just improvements in teacher assignment patterns, but equal access to strong teachers for all students. The Conferees should retain the Senate bill’s emphasis on teacher effectiveness, adding it to the House language on out-of-field, inexperienced, and uncertified teachers.

The job of ensuring all students equal access to strong teachers will be vastly easier if we increase the supply of such teachers. While no one action will accomplish this, the Teacher Incentive Fund (TIF) is one piece of a comprehensive strategy to achieve that goal. The \$200 million contained in the House bill for TIF should be included in the final package.

### **Restore School Construction Funds and Ensure That the Schools Most in Need of Renovation Benefit From Them**

School construction and renovation funding would provide thousands of good construction jobs. Just as importantly, it could also ensure that students who attend school in buildings to which we would not send our own children—students who have suffered without adequate science labs, art studios, and playgrounds—can go to schools worthy of them and of our country. The Conferees should include the school construction funds contained in the House bill, but should amend the House language to ensure that the schools most in need of renovation actually benefit from the funds. While the House language targets funds to the district level using the Title I formula, there is nothing in the bill to ensure that the most dilapidated schools within a district actually benefit from the funds. Conferees should restore funding for school construction and renovation and should develop legislative language to ensure the funds actually reach the schools that are most in need of renovation and repair.

### **Provide Funding for State Longitudinal Data Systems**

Building much needed data systems can protect and create jobs in data base design, programming, and data entry. But the longitudinal data bases created by these new systems will do more than simply create jobs: they can help drive significant reform and increase the efficiency and effectiveness of our entire educational enterprise. For too long, education decisions have been based on politics, prejudices, good intentions, or just plain hunches. That's in part because educators, policymakers, and parents have not had access to the kinds of information needed to make sound, data-driven decisions.

The requirement in both the House and Senate bills that states build longitudinal data systems containing 10 key common elements would help improve the quality of educational practice and policy, enhance the effectiveness of our education investment and—most importantly—help improve outcomes for students. In the final bill, the Conferees should include the \$250 million for state data systems contained in the House bill, and ensure that those funds are allocated only to states committed to building systems with all ten of the necessary elements.

The education provisions of the American Recovery and Reinvestment Act hold the three-fold promise of protecting and creating jobs, advancing long-overdue education reforms, and providing a much-needed investment in our schools. The Conferees can help make good on all of these promises by attending to the issues outlined above.

Sincerely,



Kati Haycock  
President , The Education Trust