

It's Time to Say NO!
**CTA's Major Concerns Regarding Title I (Draft)
and Title II (TEACH Act) Proposals**
*****REVISED September 7, 2007*****

Earlier this year, CTA launched a campaign to Erase, Rewrite and Reauthorize NCLB/ESEA. Although many members of Congress have been very receptive to our concerns, Congressional leaders are now proposing language that CTA simply cannot support. As currently written, it would undermine collective bargaining, drive teachers away from the profession and, frankly, could create a version of NCLB that would be even worse than what we have now. This outlines CTA's concerns with the Title I draft and proposals from the TEACH Act (H.R. 2204) which are expected to be incorporated into Title II when it is released.

1. **Merit Pay** is proposed for “exemplary, highly qualified” teachers and principals who agree to serve for four years in a “high-need” public school. The bill imposes a particular version of merit pay, placing a cap on what can be earned, and narrowly defines an “exemplary” teacher through student test scores and classroom observations conducted by a principal and a “master” teacher. Local collective bargaining will be bypassed or seriously undermined in the areas of salary and evaluation if these provisions pass. The proposed career ladder program also interferes with collective bargaining by setting a ceiling on what can be earned and for what activities.
2. **Collective Bargaining Rights** must be protected for all education employees and should not be compromised in any form by this proposed legislation. The current proposals undermine collective bargaining in California because they severely limit or remove employee organizations and the agreements they have negotiated from any role in shaping the contours of a pay-for-performance system, creating career ladders, and developing procedures for evaluating and transferring teachers.
3. **Transfer and Assignment** of teachers will be circumscribed by new provisions that require a limitation on how many years, in a school designated as in need of improvement, a student may be taught by a “novice” teacher. It requires the distribution of teachers among a district's schools so that the per-pupil expenditure as measured by teacher salaries is equitable between Title I and non-Title I schools. And it moves teacher hiring and transfer timelines to April. Transfer is a negotiable subject of bargaining, but these bills would severely limit the range of proposals that could be negotiated.

4. **Multiple Measures for Determining Adequate Yearly Progress** are included in the reauthorization language but the bill continues to overemphasize test scores on math and reading and restricts the other types of measures that can be used. There are only two possible measures for elementary schools: results of other statewide tests and progress on reading and math tests for moving students from below basic to basic and from proficient to advanced. The current reading and math tests would still account for at least 85 percent of the AYP weight for elementary and middle schools.
5. **School Redesign/Restructuring** is required if a school fails to make AYP after implementing a School Improvement and Assistance Plan. The proposal requires that each school not making adequate yearly progress for two consecutive years be designated as a *Priority School* or a *High Priority School*. The proposed law then creates two new categories of sanctions for these schools if they don't make their AYP. They become *Priority Redesign Schools* or *High Priority Redesign Schools*. *High Priority Redesign Schools* must close and reopen as a charter school or with a reconstituted staff, or they must be turned over to an outside administrator. Studies show that these steps have not improved schools that need help, and could in fact place them on an endless cycle of redesigns and continuous staff turnover. This also undermines local collective bargaining language on transfer and assignment.
6. **Data Systems** that collect and disseminate relevant, accurate information for instructional and programmatic decision-making are critical to improving student learning and achievement. Nevertheless, the requirement in Title I (Section 1123) that each state develop a data system linking a unique teacher identifier to his/her student records, including student scores on state-required tests, is in opposition to CTA policy that precludes student academic outcomes being used as the basis for evaluation, sanction, pay or promotion of unit members and must be vigorously opposed. It eliminates California's ability to work with state lawmakers and the California Department of Education to determine how these data systems are developed and used in California.