



## Concerns About the U.S. Department of Education’s Final Rule on Teacher Preparation Program Regulations

January 2017

The American Association of Colleges for Teacher Education, its membership, and its colleagues in higher education, PK-12, and state organizations have engaged throughout the 5-year-long regulatory process designed to create an accountability system for teacher preparation programs. When the [initial proposal](#) for the regulations was released in 2014, AACTE identified major concerns about the proposal. Many of these concerns still apply to the [final rule](#), released in October 2016.

By linking students’ access to federal financial aid (TEACH grants) to the rating of their teacher preparation program, the regulations make the unprecedented move of altering federal financial aid policy through the regulatory process. Policy changes as significant as those required by these regulations should have the benefit of the scrutiny and the deliberation offered by the legislative process.

AACTE convenes a coalition of national organizations representing teachers, state leaders, local school leaders, institutions of higher education, and schools and colleges of education to express the perspectives of the profession on these regulations. Thirty-five members of the coalition signed a [statement](#) of concern about these regulations after reviewing the final rule.

The education profession currently faces daunting challenges—including growing teacher shortages, declining enrollment in educator preparation programs, persistent lack of diversity, and a low retention rate—none of which will be solved by forcing states and the profession to focus on complying with a costly and burdensome unfunded mandate.

AACTE recommends eliminating these regulations through the Congressional Review Act based on the following chief concerns.

### **Federal Overreach**

By mandating that states use a federally dictated rating system and indicators by which teacher preparation programs must be rated, the regulations insert the federal government into jurisdiction now held by states and institutions of higher education. Furthermore, the regulations have implications for the policies and procedures of PK-12 education—again an unprecedented strategy of using a higher education regulation to dictate PK-12 policy.

### **Unfunded Mandate**

The regulations require statewide data systems to be designed, implemented, and refined by the end of the 2016-2017 academic 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.

### **No Evidence of Efficacy**

Currently, no state fully implements the rating system required 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. 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 the previous failed policy for PK-12 education, these 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 the 27,000 *individual* teacher preparation programs across the country using four federally mandated indicators, these regulations are unworkable. Most states do not have the requisite data systems in place to comply. At a time when states are focusing on the implementation of the Every Student Succeeds Act (ESSA), requiring them to develop and implement another new system that needs to be functioning by the 2017-2018 academic year is unrealistic.

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

Because the regulations require programs to be rated in part on the performance of their graduates’ PK-12 students, they threaten programs with a mission to serve historically low-performing students, such as those in special education and those from high-poverty communities. This means that the nation’s critical shortage of special education teachers could be exacerbated, as could the profession’s diversity gap—50% of today’s students but only 18% of teachers are from racial/ethnic minority groups. The regulations could have a particularly negative impact on the work of minority-serving institutions, which prepare large numbers of students from underrepresented groups to become teachers in high-need schools and in high-need fields.

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

Because these regulations limit access to federal financial assistance for teacher candidates, they will 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 are especially at risk under 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 will likely exacerbate the current decline in teacher preparation program enrollment across the country.