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September 12, 2007

VIA FACSIMILE – 202-822-7482
Reg Weaver
President
National Education Association
1201 16th Street, NW
Washington, DC 20036-3260

Dear President Weaver:

Thank you for your letter regarding my Teacher Excellence for All Children (TEACH) Act as included in the Miller-McKeon Staff Discussion Draft for the reauthorization of the Elementary and Secondary Education Act.

I am concerned that, as a nation, we don't show teachers the respect they deserve. It's time to treat teachers like partners in our education system and reward our teachers for their professionalism, talent, and hard work.

That is why I introduced the TEACH Act – and that is why dozens of my colleagues cosponsored it, many at the urging of the NEA. Congress wants to give our teachers a much-deserved raise. Under the TEACH Act, up to 334,400 outstanding teachers across the country could receive raises each year of \$10,000 - \$12,500. My colleagues and I are committed to getting outstanding teachers the raises they deserve in appreciation for their time, talent and hard work.

I share your commitment to ensuring that performance pay programs be negotiated within the confines of collective bargaining agreements. As you know, current No Child Left Behind law allows states to spend a portion of their Title II funds (totaling over \$3 billion per year) on "merit" pay, with no safeguards to ensure that teachers are evaluated based on a range of fair measures and without explicit safeguards that the evaluation systems be negotiated within the confines of collective bargaining. Page 207 of the NCLB law states that states can use their Title II funds for: *"Developing, or assisting local educational agencies in developing, merit-based performance systems and strategies that provide differential and bonus pay for teachers in high-need academic subjects such as reading, mathematics, science and teachers in high-poverty schools and districts."*

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The Miller-McKeon Discussion Draft addresses my concerns in this area by deleting the merit pay language in current law and replacing it with the TEACH Act competitive grant program for performance pay that is explicitly subject to collective bargaining, that does guarantee that teachers are part of the process of developing the evaluation system, and that does ensure that teachers are evaluated on a range of fair measures.

Your letter rightly notes that the NEA expressed concerns about collective bargaining in a draft of the TEACH Act that we shared with the NEA in May of 2005, prior to introduction. The email from your staff to which you refer notes that your collective bargaining division had reviewed our draft TEACH Act language and it included a specific suggestion for addressing their concerns. As a result of their concerns, I revised the draft legislation to include the NEA's suggestion for strengthening the collective bargaining provisions, and these changes were included in the version of the TEACH Act that was introduced in both 2005 and 2007.

Your letter also states that NEA expressed general support for the TEACH Act. In addition to the statement of general support, the NEA support letter that I received on June 8, 2005 singles out the performance pay provisions (called "premium pay" in the TEACH Act) for praise, stating:

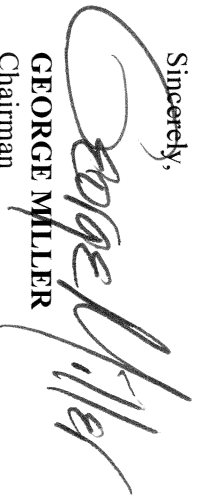
"We are particularly pleased with your proposed establishment of financial incentives to recruit new teachers and high-quality comprehensive induction programs for new teachers, as well as the proposals to provide premium pay for teachers in hard-to-staff schools, create career ladders for teachers, and offer additional tax benefits to help retain teachers. These initiatives are all long overdue and critically needed."

I would also like to note that despite the NEA's current opposition to the performance pay language, the NEA did mail out on August 1, 2007 to local NEA affiliates a document asking affiliates to urge their Member of Congress to cosponsor the TEACH Act. As you know, the TEACH Act contains performance pay language that is identical to the Miller-McKeon performance pay language.

Finally, I appreciate your mention of all the conversations between our offices about the discussion draft since August. My understanding is that these conversations began in May when my staff began sharing proposed language with the NEA and requesting feedback.

As you mentioned, the Miller-McKeon Staff Discussion Draft is just that – a discussion draft. The reason we chose the unusual step of developing and releasing a discussion draft was to get candid feedback about how we can improve upon our ideas before introducing a bill to reauthorize the Elementary and Secondary Education Act. I appreciate your taking the time to testify and I assure you that we will carefully review all of the concerns that you raised.

Sincerely,



GEORGE MILLER
Chairman