

National School Boards Association



Public Education and the 112th Congress: A New Framework to Support Local School Boards in Achieving Academic Excellence for All Students

NSBA Office of Federal Advocacy & Public Policy

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Restore Maximum Flexibility to Local School Boards in the Delivery of Education Services

“Education, then beyond all other devices of human origin, is the great equalizer of the conditions of man, the balance-wheel of the social machinery.”

--Horace Mann

Americans have always valued education and recognized its importance in opening the doors of opportunity to a better life for themselves and their children. Our nation’s success on multiple fronts, from our economy to the functioning of our democratic society, is undeniably linked to the quality of the education provided to our citizens by our public schools. Today’s world of rapid changes, technological advances and global competitiveness create new challenges on our schools. A modern day paraphrasing of Mann’s quote might well read: education is the great necessity.

This is not the first time America’s educational system has been challenged. Debates over who should be educated, to what degree, and at whose expense mark our history and at times ripped at the very moral fiber of our nation. Yet, in those previous challenges, America responded by expanding educational opportunity to more of its citizens. Our schools, reflective of our society, are at a crossroads again.

The 21st century economy creates an urgent demand that our schools provide a high quality education for every student so that they may succeed in life and our country may remain globally competitive.

However, educating our children within that framework must remain a principal function of state and local communities, where the ownership and the commitment for student success are most prominent. The federal government has a limited, but important, role to play. In recent years, that role has taken an unhealthy and unproductive “top-down approach.”

Clearly the role of the federal government must acknowledge the fact that the efforts over the previous decade to employ a “top-down approach” have not worked. The federal role must be one of partnership and support to local school districts not only in terms of funding for those with the greatest needs (e.g. poverty, disability, English Language Learners), but also in serving as a clearinghouse to share and promote ideas and best practices regarding actions needed to overcome shortfalls in student achievement.

The federal role must provide support to states and local school boards to help them prepare students for what is needed for college and workforce success, to facilitate innovation, and to be a true measure of academic success. The federal government must challenge and inspire educators—with an emphasis on creating constructive remedies, adequate funding, and locally-developed strategies rather than simply punishing and discouraging schools or students when they fall short.

The federal government also must recognize the importance of local school district governance to promote democracy and civic engagement so that citizens, including the school boards they elect, have a meaningful

opportunity to be enfranchised in the direction of their community schools and to ensure their schools are meeting their values, priorities, and needs.

Congress Must:

- Restore maximum flexibility to local school boards in the delivery of rigorous education services.
- Establish a framework for federal education policy that frees local school districts from mandates that unnecessarily or counterproductively hinder us from achieving our goals.
- Ensure through conducting congressional oversight hearings that the Executive Branch issues regulations, guidelines and policy directives that are consistent with its delegated authority.
- Encourage the U.S. Department of Education to modify the current trend toward top-down decision-making.

Other Key Programs and Recommendations for the 112th Congress

Local school boards across the nation urge the 112th Congress to:

- Support federal funding in education to rebuild our economy and improve competition and to match the requirements and expectations of federal programs.
- Reauthorize the *Elementary and Secondary Education Act* (ESEA) by June 30, 2011 or provide temporary relief from current sanctions.
- Expand federal support for school readiness and early education transition to K–12 programs.
- Support local school board engagement in federal child nutrition law implementation.
- Expand federal support for science, technology, engineering and math education.
- Oppose private school vouchers.
- Support education technology innovations for teaching and learning.

More detailed recommendations on these legislative issues can be found in the following pages.

Reauthorize the *Elementary and Secondary Education Act (ESEA)* by June 30, 2011 or Provide Temporary Relief from Current Sanctions

The *Elementary and Secondary Education Act (ESEA)*, last reauthorized as the *No Child Left Behind (NCLB) Act*, holds states, school districts and schools more accountable for improving the academic performance of each student regardless of economic status, race, ethnicity, proficiency in English or disability. When enacted on January 8, 2002, the law was scheduled to be reauthorized in 2008. However, the provisions of the law continue to be extended through the congressional appropriations process. As long as Congress continues to appropriate funds to implement the law, the law remains in effect. The *Elementary and Secondary Education Act (ESEA)* was originally enacted in 1965.

The *No Child Left Behind (NCLB) Act* requires states to:

- Establish rigorous academic standards.
- Conduct annual assessments at specific grade levels with at least a 95 percent participation rate.
- Implement a comprehensive accountability system that includes extensive data collection and public reporting on student and school performance.
- Direct formal sanctions against Title I schools and their school districts for failing to meet proficiency targets in reading and math.
- Establish new qualification requirements for teachers and paraprofessionals beyond the standards previously established by many states.

In establishing this expanded federal framework for accountability, NCLB requires states to: (1) establish content and performance standards; (2) select and operate assessment programs; and (3) establish requirements to monitor and report academic performance of groups of students who historically have not been performing at the desired levels.

The *No Child Left Behind (NCLB) Act* established a rigorous but theoretical accountability system for the nation's public schools. However, what has evolved in the name of accountability is a measurement framework that bases its assessment of school quality on a student's performance only on a *single assessment*; and mandates a series of overbroad sanctions not always research-based or targeted to the students needing services and, to date, not yet proven to have significant impact on improving student or school performance.

The initial expectation was that ESEA would be reauthorized during the 111th Congress. However, in view of the significant time focused on improving the economy, Congress decided to defer legislative action on ESEA reauthorization.

While NSBA remains optimistic about the reauthorization, the specifics won't be known until draft legislative language is available for review. Local school board members continue to lobby their own members of Congress for provisions that address these concerns with NCLB and support our formal recommendations. Additionally, local school districts continue to struggle to comply with the language of the current law at a time when state and local revenues have significantly declined creating further limits on state and local education budgets.

Congress must:

- (1) Complete the reauthorization of ESEA during the First Session of the 112th Congress:
 - (a) Replace the current accountability system that does not accurately or fairly report student, school or school district performance.
 - (b) Ensure high-quality, valid and reliable assessments for all students, including English language learners and students with disabilities.
 - (c) Provide for multiple measures of academic achievement that would more accurately determine students' knowledge and performance to be successful in the global market.
 - (d) Permit the use of growth models and other measures of student achievement.
 - (e) Facilitate strategic interventions that are designed at the local or state level and are targeted to students and schools most in need, rather than impose ineffective and costly sanctions.
 - (f) Improve measures for determining high school graduation rates that include interventions that support graduation beyond the four-year cohort.
 - (g) Shift the emphasis to determining teacher and principal effectiveness measured by student growth while retaining appropriate measures of teacher and principal knowledge and competencies.
 - (h) Support and improve coordination and streamlining of comprehensive services for children.
 - (i) Provide states and local school districts with greater overall flexibility to make educationally sound decisions, and eliminate requirements that unnecessarily or counterproductively hinder school districts from achieving their goals.
 - (j) Provide full federal funding, along with other federal assistance programs that are critical to successfully achieving the goals of the new law.
 - (k) Eliminate the expansion of competitive grants when such expansions restrict or reduce subsequent federal appropriations for formula-based grants that ensure students most in need receive adequate support.
- (2) If the reauthorization is not completed by June 2011—provide for temporary relief to schools and school districts from federally mandated sanctions that are costly and produce minimum results in improving academic performance until ESEA is reauthorized.

Increase Federal Funding for Education

Long-term Solution to Funding Education in America

Education funding cannot be expected to return to pre-recession levels until later in this decade, yet schools are being asked not only to sustain student achievement but to increase it.

What will be the long-term impact of this unprecedented budget crunch? Just think: today's primary school children may graduate from high school before their districts can afford to reinvest in quality teachers, small classes, and proven educational programs.

For schools to succeed in the long run, school boards, policymakers, and the public need to reexamine how public education is funded at the local, state, and federal levels.

We need a funding system that will stop the bleeding permanently by providing reliable and sustainable funding for public education. What that funding system looks like should be the subject of a serious national conversation—and the subject of in-depth research.

Congress must:

- Focus on a long-term solution to funding education in America to rebuild our economy and ensure that our students will successfully compete in the global market.

Federal Education Funding

For the upcoming fiscal year, the federal landscape for investments is influenced by several factors that all signal a change in the way programs will be funded and administered.

The drive for education innovation and increased accountability is met with a new diligence for economic recovery, fiscal discipline and deficit reduction. In effect, the new goals for education established in the *American Recovery & Reinvestment Act* (the stimulus program) are shaping the debate for federal education programs and the funding needed to implement them. The funding needed to fully implement these new goals of better standards and assessments, robust data systems for continuous improvement, effective teachers and leaders, and greater interventions for closing achievement gaps may not be certain, especially given the ongoing budget issues facing Congress and with historic budget shortfalls that states and school districts are trying to address in today's economy.

Collectively, most states were at a \$200 billion shortfall recently with remote projections of economic recovery after FY2013. The National Governors Association and the National Association of State Budget Officers cited that 34 states cut funding for K–12 education and 36 states did so for higher education in FY2010, with 31 states planning to impose additional K–12 and higher education cuts in FY2011 (*Fiscal Survey of the States: June 2010*, Table 1-A). Declining revenues for state education aid and local funding for schools have not begun to stabilize in many regions. Property, sales and income tax receipts will continue to be impacted by the economy, thereby affecting resources for students and school districts.

The need to continue raising student achievement should not be consumed or overshadowed by record budget cuts. Key investments in Title I and IDEA will help alleviate growing budget shortfalls for school districts.

Congress Must:

- Fully fund both Title I grants for disadvantaged students and the federal commitment to special education under the *Individuals with Disabilities Education Act* (IDEA), along with other key programs that are critical to student achievement.
- Limit the expansion of competitive grants when such programs would restrict or reduce subsequent federal appropriations for Title I and IDEA that help our schools close the achievement gap and implement effective accountability measures.
- Demonstrate its commitment to public education as it finalizes FY2011 appropriations and begins work on the FY2012 budget resolution and appropriations process.

Improve Early Childhood Education

Research proves that quality early childhood education programs help improve children's school readiness and can help close achievement gaps that exist among children even before they enter school. Research also finds that children who participate in high-quality programs demonstrate greater interest in learning, are less likely to repeat a grade or require special education classes, and are more likely to graduate from high school and attend college. For every dollar invested in prekindergarten programs, the return can be as high as \$16, making it both smart education and economic policy. States have recognized the benefits of early childhood education and as many as 38 fund preschool for three and four-year-olds. However, only about 20 percent of all four-year-olds and just three percent of all three-year-olds nationally are actually enrolled in preschool programs.

Since 2006, NSBA with its Center for Public Education, has collaborated with five state school boards associations to conduct a pre-K initiative supported by a significant grant from the Pew Center on the States. The first five years of the grant focused on engaging state associations and local school boards in support of high quality, voluntary pre-kindergarten education. The next year of the grant will expand the scope by working to establish a national coalition of K-12 associations that understand and support the role of voluntary pre-K in the ESEA reauthorization and other federal policy.

The *2009 Phi Delta Kappa/Gallup Poll* on attitudes toward public education shows strong support for early education—particularly in public schools. In fact, five out of ten Americans believe preschool programs should be housed in public schools, with parents even more supportive of that idea.

Congress Must:

- Establish a more coordinated federal framework for early learning to support the *voluntary* role of the local school district role.
- Ensure maximum flexibility to local school boards in the delivery of early learning services.
- Provide a separate federal funding grant program to develop, expand, and enhance the quality of voluntary pre-school programs for three- and four-years old students.
- Ensure a system of high standards that align with K-12 learning standards.

Engage Local School Boards in Developing Child Nutrition Policies and Regulations

The *Healthy, Hunger-Free Kids Act* (HHFK) was signed by President Obama on December 13, 2010. It reauthorizes six major nutrition programs—including school breakfast and lunch—for five years. This coincides with the President's goal to end childhood hunger in the U.S. by 2015. Implementation of the reauthorization is the responsibility of the Secretary of Agriculture and there are many questions to be answered through guidance, regulations, and other policy.

Key Provisions of the *Healthy, Hunger-Free Kids Act* that could impact school district budgets:

- **Updated standards for free and reduced price breakfast and lunch**—The Secretary of Agriculture is authorized to increase reimbursement by six cents per school lunch that complies with updated standards issued by the department. For a district serving 1,000 students daily meals all year, the

additional cost of this feature could exceed reimbursement by \$54,000—or about the amount needed to fund a teaching position. For many school districts the increase will not be sufficient to cover the actual cost of meeting the higher standards. Compliance with the new standards is *voluntary*, although districts will be under strong pressure to raise their standards for school meals due to the mandatory standards for non-program foods described below.

- **Standards for food sold outside the subsidized school meal programs**—The HHFK requires the Secretary of Agriculture to issue *mandatory* national standards for all foods sold, (1) outside the school meal program, (2) on the school campus, and (3) at anytime during the school day. Many school districts rely on revenue from vending machines, school stores, a la carte lines, bake sales, etc., and may need to alter their offerings or fundraising strategy to meet the new standards. The Secretary has up to one year to issue draft standards, which may include exemptions for infrequent, school-approved fundraisers.
- **Indirect costs**—The bill gives the Secretary of Agriculture authority to regulate the indirect costs school districts may attribute to school meal operations. Indirect costs are those costs necessary for the general operation of the program such as operating and maintaining buildings and equipment, administrative salaries, and costs for general travel. Within six months, the Secretary is required to issue guidance on the types of costs that are reasonable and necessary to provide school meals. The Secretary is also required to conduct a study of indirect costs in the school meal programs and the Secretary can issue additional new regulations.
- **Paid meal pricing**—The HHFK regulates the price schools charge for un-subsidized (paid) meals. Effective July 2011, schools are required to charge students for paid meals at a price that is on average equal to the difference between free meal reimbursement and paid meal reimbursement. In short, if it appears that schools charge a paid meal price that is artificially low, they must either (1) increase the price of that meal or (2) cover the difference with non-Federal funds. The price of paid meals is both an access issue and a local control issue. School districts may choose to absorb the increased cost in order to assure that low-income families that don't qualify for subsidized meals can still afford a school lunch.
- **Local school wellness policies (LSWP)**—School districts will be required to comply with new regulations for wellness plans that include periodic measurement and assessment of implementation and comparison to model programs identified by the Secretary. School districts will also have to report this information to the state and the general public.
- **School nutrition environment**—School districts will also have to meet new reporting requirements established by the Secretary on inspections, policies, school meal program participation, and nutritional quality of program meals.
- **Training and certification requirements**—School districts will have to comply with a new program of required education, training, and certification for all school food service directors. School districts will also have to meet new requirements established by the Secretary for training and certification for all school food services personnel.

NSBA was a leading advocate for school district concerns in the reauthorization, testifying multiple times before congressional committees, communicating with every member of Congress through correspondence

and/or personal visits, developing a coalition with other school district groups, and working closely with state associations and school board members to advocate with their members of Congress.

Local school boards across the nation are acutely aware of the importance of ensuring that children have access to healthy and nutritious food and already have taken proactive steps to improve school nutrition.

Without adequate funding, schools will find it difficult to comply with the new standards, reporting, training, administration, and other mandates.

Congress Must:

- Request the U.S. Secretary of Agriculture to engage local school board members and school governance representatives in the development of regulations implementing the *Healthy, Hunger-Free Kids Act* that would support program effectiveness and efficiencies without necessary, counterproductive, costly or burdensome requirements.
- Ensure through conducting congressional oversight hearings that the Secretary of Agriculture issues regulations, guidelines and policy directives that are consistent with its delegated authority

Support Education Technology Innovations for Teaching and Learning

The transformational potential of technology for teaching and learning is at the forefront of educational innovation, and the options and implications for school district operations and decision-making are immense.

The National Broadband Plan issued by the Federal Communications Commission charts a course for Broadband deployment throughout the education enterprise and could impact the E-Rate program that is a vital source of assistance for schools in maintaining Internet connectivity.

The U.S. Department of Education seeks to expand the use of technology for academic and operational productivity and effectiveness for instruction, professional development, assessments, and decision-making.

At the same time, federal support for these efforts may be in jeopardy, either through expanding eligibility for E-Rate beyond schools and libraries, or reducing funding for the Enhancing Education Through Technology program and others that help school districts integrate technology into the learning experience.

Congress must:

- Increase funding and support for schools and libraries under the E-Rate program. As Congress considers the reauthorization of the Telecommunications Act (that includes E-Rate), the needs of schools and libraries should be paramount. Schools need additional federal support to update capacity and fully integrate technology in ways that meet the needs of each districts and community.
- Congress should refrain from expanding eligibility for E-Rate to other entities - such as colleges and universities – or for other uses, devices and programs – such as construction - until the unmet needs of schools and libraries are addressed.

- Congress should provide adequate funding for the Enhancing Education Through Technology and other programs that help school districts improve learning, assessment, teaching, infrastructure and productivity.

Oppose Private School Vouchers

With the convening of the 112th Congress, many members of Congress have indicated interest in the option of federally funded private school voucher programs. Local school boards view private school vouchers and tuition tax credits as methods of diverting education tax dollars from public schools to help subsidize the tuition of private and religious school students.

Several states have already limited private school voucher programs, which would certainly preclude a significant national movement. However, local school boards want to re-affirm their opposition to private school vouchers, including the program currently funded by the federal government in Washington, DC or proposed voucher programs for selected segments of the population as proposed for military families with children with disabilities in 2010.

Private school voucher programs divert attention, commitment and dollars from our public schools to pay private school tuition for a few students, including many already in private school. Additionally, private school voucher programs eliminate public accountability standards, do not make achievement and budget information public, and do not have to accept all students.

Additionally, private school voucher programs give choices to private schools, not parents – private schools decide if they want to accept vouchers, can limit available seats, can maintain admissions standards, and can dismiss students at any time.

Congress must:

- Oppose any federal legislation to create or expand private school voucher program.

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