



**Advocacy**Agenda

**nsba**



We are at a moment in history where we have an opportunity to make unprecedented progress to bring about educational equity, and we must.



# SUPPORTING THE WELL-BEING OF **EVERY STUDENT**

**W**ith significant change taking place in education, the economy, policymaking, and society, the National School Boards Association (NSBA) continues to strive to secure federal policies and legal outcomes as well as to build a constructive dialogue to support the well-being of every schoolchild and strengthen local governance. We have accomplished a lot and built a record of progress toward many key objectives of school board members.

The work NSBA does every day in the U.S. Congress, the federal administration, the courts, and the media has brought about policies designed to ensure all children have an opportunity to realize their full potential as students and adults after they leave public school. As the leading advocate for public education, we also are implementing several significant initiatives outside of the federal policymaking arena to help prepare students for college,

career, and life, and to enhance their safety when they are in school.

Public education is the most important investment we can make in our future. As a cornerstone of our society, public schools in communities throughout the country have helped millions of students get an education that enabled them to pursue a high quality of life, which propelled the country forward and produced the world's largest economy. This fact is the result of good local governance of our public schools.

Students are the heart of public education, and they deserve support that provides them with an opportunity to lead a satisfying life. Great work is taking place in public schools. Extraordinary teaching, leadership, mentoring, and learning takes place every hour of the school day. But, additional action can and should be taken by federal policymakers to care for the needs of children and enhance public schools. NSBA is committed to bringing about federal policies that accomplish public education's vital mission.





---

# EXECUTIVE SUMMARY

**N**SBA remains steadfast in our determination to bring about equity and excellence in public education. Before the 115th Congress concluded, NSBA's efforts helped push through necessary federal appropriations and much-needed policies, and impacted key court decisions to support students and enhance public education. We also impacted the conversation the country is having on critically important issues that affect students and local governance, including student and school safety, career readiness, support for schoolchildren with disabilities, funding for public schools, and immigration.

NSBA has been deeply engaged in a concerted effort to secure appropriate federal funding for public schools and policies to enhance student and school safety. During the past 12 months, our legislative efforts helped preserve more than \$40 million that was proposed for elimination in the Fiscal Year 2019 budget. Our work with key members of Congress also contributed to the passage of the Student,

Teachers, and Officers Preventing (STOP) School Violence Act of 2018, which provides \$50 million per year to increase school security through improvements to school security infrastructure and to conduct training to prevent student violence.

While additional funding is required to improve student and school safety, it is important also to focus on solutions that local public education leaders can employ. NSBA testified twice before the Federal Commission on School Safety and Florida's blue-ribbon commission on school safety, specifically addressing student discipline and the Family Educational Rights and Privacy Act (FERPA). We advanced important recommendations to allow local school districts to customize approaches that best fit their communities, provide more support for school resource officers, and improve school-based mental health and counseling. Our views on these matters were reflected in the *Final Report of the Federal Commission on School Safety* as well as in the Florida report.

Inspired by a conversation with the Missouri School Boards' Association and its Center for Education Safety and with the active support of other members, NSBA also took on a yearlong charge to develop a school safety platform to ensure the association is properly at the forefront of the school safety issue and what that entails today. The initiative embodying that platform—the NSBA Center for Safe Schools—was launched in March 2019, and it offers webinars and other resources to support and promote school safety, from the security of the physical school building to the social and emotional learning of children.

To improve the well-being of every schoolchild, NSBA continues to champion educational equity. In January 2019, NSBA announced on Capitol Hill that we will fight for better support for children under the Individuals with Disabilities Education Act (IDEA). Before a room full of school board members and several members of Congress, we launched our “It’s Time for a Great IDEA” campaign, which is aimed at securing full funding for and modernizing IDEA, the landmark law that has helped many students flourish in school. As successful as IDEA has been, though, it can aid even more schoolchildren with the proper support and commitment.

Last year, we worked to help secure more than \$1 billion in federal funding for 21st Century Community Learning Centers, which is the only federal funding dedicated to after-school programs to help high-poverty and low-performing schools. We also continued advocating for the application of federal anti-discrimination laws to ensure schools can hire qualified teachers—particularly in areas with a critical shortage; provide breakfast for all students; ensure access to an open internet; and increase high-speed broadband access through strong support of programs like the Schools and Libraries Universal Support Program (E-rate) and Deferred Action for Childhood Arrivals (DACA), as well as increased funding for Title I.

Funding for public schools is vitally important if we are going to serve schoolchildren well. Impact Aid

was a significant issue for NSBA last year, and we worked with members of Congress to secure sustained funding of \$68 million in federal payments to school districts that have lost property tax revenue due to the presence of tax-exempt federal property. We also conveyed a key point of view through the amicus brief we filed in the important case of *South Dakota v. Wayfair, Inc.*, which creates an opening for potential state funding streams for school districts.

To help students jump-start their lives, NSBA launched the “LifeReady Students” initiative to advocate for additional efforts to help students develop the skills, particularly in the area of “soft” skills, that are essential to navigating life. The initiative is the second step we have taken to address the burgeoning workforce skills gap. Prior to the initiative, we brought together representatives from major business and trade groups to form the Commission to Close the Skills Gap to raise awareness about the depth of the workforce staffing issue. The commission issued *Six LifeReady Skills for Career, College and Success in Life: A Report of the Commission to Close the Skills Gap*, and we are now working to bring those recommendations to school districts and to build connections between school boards and business leaders.

NSBA is well positioned and ready to continue working to shape and elevate public education through local school board governance. As the Washington, D.C., office for our members, NSBA will continue to work—with and through our federation of 49 state school boards associations and the U.S. territory of the Virgin Islands, and their more than 90,000 school board members—to inspire and lead a thoughtful dialogue on public education, and we will vigorously advocate for policies that truly enhance learning opportunities for all students. No group has been as successful as NSBA and our members to bring about policies that ensure all children can receive a high-quality education.

In addition, NSBA has successfully strengthened our reputation as the leading advocate for public education, increased our reach and supporter base,



## Public schools are not the monolith that critics of public education make them out to be. In fact, the broadest range of educational and extracurricular options exists in the public schools.

and shared the successes of public education so that it is not defined by its detractors. This enables us to shape the debate on key issues, create a better understanding of the importance of school boards and the benefits of local governance, and generate greater appreciation for public schools. We seek to build on our accomplishments in the legal, legislative, public, and regulatory spaces by continuing to use all of our tools, including the Council of School Attorneys (COSA), the Council of Urban Boards of Education (CUBE), the National Black Council of School Board Members (NBC), the National Hispanic Council of School Board Members (NHC), the National American Indian/Alaska Native Council of School Board Members (AIAN), the Conference of State Association Legislative Staff (CSALS), the Federal Relations Network (FRN), the Friends of Public Education Network (FPE), the National School Boards Action Center (NSBAC), the Center for Public Education (CPE), and a dynamic media program.

The ongoing effort to build alliances continues as NSBA works with other public school-focused organizations—including the American Federation of Teachers; the National Education Association; AASA, the School Superintendents Association; the National Association of Elementary School Principals; the National Association of Secondary School Principals; and the National PTA—to address pressing federal policy needs.

In the past 12 months, NSBA helped secure important federal policies and valuable opportunities that benefit students and public schools as well as strengthen local governance, but there are significant issues that still need to be addressed. So, we

will continue to advocate for federal support that will enable school districts across the country to strive for, and realize, excellence and equity in public education. The ultimate beneficiaries are students and their communities. When they benefit, so does the entire nation. With direction from our Delegate Assembly, the association's policymaking body, in 2019-2020 NSBA will concentrate our advocacy efforts on:

- Promoting educational equity and policies that enhance the well-being of all students;
- Advocating for an accurate census count;
- Securing adequate funding for IDEA and modernizing the law;
- Raising more awareness about the need to address the workforce skills gap and support students' need for the skills that prepare them for college, career, and life;
- Ensuring that the landmark Every Student Succeeds Act (ESSA) is implemented in a manner that recognizes the law's clear directive to restore local governance and community ownership in public education;
- Advocating for policies and funding to further enhance student and school security;
- Campaigning for infrastructure support and tools that enhance learning and teaching such as broadband access; and
- Protecting public schools from efforts to undermine them by challenging vouchers, tuition tax credits, and similar schemes that would weaken public education and harm students.







## Support the Individual Student and Defer to Educators in Special Education

Securing full funding for and modernizing the Individuals with Disabilities Education Act (IDEA) is a critical issue for NSBA and school board members across the nation. IDEA was enacted to ensure that every student with a disability has access to a free and appropriate public education; unfortunately, the federal government has not lived up to its promise to assist students, families, states, and school districts in this important area of education.

The legislation promised to provide 40 percent of the excess costs to support students who need extra help, but federal appropriations have consistently fallen well short, leaving states and local school districts to make up the difference. Under the present circumstances, school districts are forced to use additional funds from their general education budgets to cover the special education expenses the federal government should pay. That hurts all students.

Achieving the promise of IDEA requires a more balanced federal-state-local partnership. Through our “It’s Time for a Great IDEA” campaign—a grassroots initiative launched during NSBA’s Advocacy Institute in 2019 at a Capitol Hill event involving members of Congress—the association is working with state school boards associations and NSBAC to highlight the critical need for the federal government to fulfill a long overdue promise to provide equitable access to public education for all schoolchildren. Our campaign has helped garner more than 105 co-sponsors for the IDEA Full Funding Act in the U.S. House of Representatives and U.S. Senate in just a few months.

This important initiative is guided by five principles we believe will help students with disabilities succeed:

- Promote positive outcomes for students, families, teachers, and administrators through high expectations and accountability, instead of through burdensome bureaucratic procedures;
- Understand that success requires a shared financial responsibility among local, state, and federal government;

- Provide students and their families positive engagement and collaboration;
- Ensure students have access to effective teachers and special education professionals, which is essential to success; and
- Offer the youngest students with disabilities expanded supports to place them on an earlier path toward success in academics and in life.

To build on the progress made on Capitol Hill and continue the momentum on IDEA, NSBA plans to host a roundtable to draw more attention to the benefits of the bipartisan IDEA Full Funding Act bill, amplify the voice of local school boards in supporting this legislation, and encourage Congress’ swift passage of this measure.

Through the annual federal appropriations process, NSBA is influencing policies that would assist students with extra needs. We are working diligently to support funding for specific programs in the Fiscal Year 2020 funding bills being considered by Congress for the U.S. Departments of Education, Health & Human Services, and Labor. Our efforts contributed to the U.S. House of Representatives’ passage of a measure with a \$1 billion increase proposed for IDEA Part B grants to states and districts. In its accompanying report for the appropriations bill, the House Appropriations Committee stated that it “is concerned that the federal share of the excess cost of educating students with disabilities has declined and notes the critical role this increase will play in helping to reverse this trend,” which echoes one of NSBA’s key positions.

NSBA also is actively working in the courts to assist students and families who need extra support so they can succeed in school and life. Since the U.S. Supreme Court’s landmark decision in *Andrew F. v. Douglas County School District*, which clarified that IDEA requires public schools to provide eligible students with an education that is reasonably calculated to enable each child to make progress appropriate for that child’s circumstances, NSBA has urged federal courts to apply IDEA consistent with its clear

intent—to focus on the individual student’s needs and with deference to decisions made by educators.

NSBA also has filed amicus briefs in federal courts of appeal explaining how Individualized Education Program (IEP) teams—which include the student’s parents—collaborate, and how decisions made with fidelity through that process should be respected.

In the matter of *C.D. v. Natick Public School District*, NSBA submitted an amicus brief with the U.S. Court of Appeals for the First Circuit urging the court not to change or expand the “least restrictive environment” preference, giving it preference to academic benefit in light of the Supreme Court’s measured decision in *Andrew F.* The First Circuit issued a ruling favorable to the school district.

Also, in *Nathan M. v. Harrison School District*, NSBA filed an amicus brief with the U.S. Court of Appeals for the Tenth Circuit explaining how its application of *Andrew F.* would fit into the body of case law that has already developed. NSBA asked the court to apply *Andrew F.* consistently with other circuits and the Supreme Court’s clear focus on the student’s individual circumstances.

School boards remain committed to providing students with disabilities and their families the support they need to become working, contributing, and engaging members of society. Hence, the IDEA Full Funding Act and legal decisions that support students with special needs would be extremely useful in addressing goals for sustainability in several districts that have implemented successful program innovations such as those for early learning and interventions, special educator teams, and student transitions.

### **Increase Funding for Student and School Safety Measures and Local Planning**

Protecting schoolchildren when they are in school is of paramount importance to NSBA, school boards, and the nation. As noted in NSBA’s publication, *Fostering Safer Schools: A Legal Guide for School Board Members on School Safety*, “The over-

arching goal of schools is to create a safe, supportive environment where students can thrive, learn, and be themselves.”

Recognizing the complexities of safety issues due to diverse and varied interests depending on geography, income, and regional differences, NSBA advocates for strong and flexible federal funding that is sustained over time. This is the key to ensure that the proper investments are taking place to make school a safe place with a positive environment for teaching and learning. Deference to local governance is a key aspect to devising and implementing safety plans since school districts and the residents in their communities are closest to the student, giving them a better perspective of needs.

NSBA believes that fostering a positive school climate is the starting point for safety. Indeed, good federal policy must take into account several important considerations:

- Nondiscriminatory and nurturing practices and programs that are cognizant of students’ social and emotional learning needs should be encouraged because they are critical components of promoting and maintaining nurturing environments;
- In supportive learning environments, bullying and harassment behaviors do not thrive but are investigated and resolved, and students feel at ease being themselves, achieving, making friends, and sharing concerns with staff;
- School personnel involved in supporting students with mental health needs must be supported with ongoing training and accountability measures;
- School threat assessment teams should be supported with a federal policy that recognizes students’ rights to privacy and free speech, while deferring to the judgment of educators to determine when circumstances amount to an emergency warranting referral to law enforcement and reporting to the community; and



- Federal technical support and funding streams should help school districts develop and implement safety plans that address prevention and mitigation, preparedness, response, and recovery.

Driven by those ideas, NSBA is working in Congress, federal agencies, and courts to:

- Secure more dedicated federal resources to community “wraparound” efforts including mental health and counseling for students;
- Provide more sustained and flexible federal funding for comprehensive school safety planning and implementation;
- Enable more collaboration between schools and local law enforcement by continuing to fund collaborative school safety planning; and
- Pool federal resources to create a national clearinghouse, i.e., a School Safety Assistance Center.

In 2019, the House Appropriations Subcommittee for Commerce, Justice, Science, and Related Agencies reported its Fiscal Year 2020 funding bill that would increase resources for school safety. NSBA is working to secure support for the bill in the full House of Representatives, which would provide \$125 million for competitive grants authorized by the STOP School Violence Act. That level of funding would represent a \$25 million increase above the Fiscal Year 2019 funding allocation.

NSBA is already working with key members of the Senate to support additional funding that school districts can use to implement additional measures to protect students. In a letter to the House and Senate Appropriations Committees, NSBA, the Security Industry Association, and other organizations stated, “This increased funding will allow even more states, localities, and tribes to provide evidence-based violence prevention programming to students and teachers. We also urge continuance of the Fiscal Year 2019 funding allotments and language, furthering the strong focus on evidence-based school violence prevention programs.”

Recognizing that school climate and safety efforts encompass many policy areas addressed by local school boards, NSBA publishes legal guides on school operations issues that concern school board members. In 2019, NSBA released *Drugs, Substance Abuse, and Public Schools: A Legal Guide for School Leaders Amidst Evolving Social Norms*. The guide helps school board members identify appropriate responses to the presence and use of both authorized medications and illicit drugs in schools. And, in preparation for mass student walkouts and protests after the tragedy in Parkland, Florida, NSBA published a concise outline of issues and possible scenarios to help school leaders plan for such actions in its publication, *Navigating Student Walkouts and Mass Protests*.

NSBA will continue to advocate in Congress, the courts, and the media for sound approaches to school safety that, rather than prescribe one-size-fits-all requirements, will promote and support solutions that allow school boards to develop community-informed and data-driven practices consistent with local needs and norms. Our efforts will build on the groundwork laid in publications including *Fostering Safer Schools: A Legal Guide for School Board Members on School Safety*, referenced earlier in this section, and our testimony before the Federal Commission on School Safety.

### **Secure Needed Federal Education Investments: Fiscal Year 2020 Appropriations**

Providing students with the opportunity to realize their full potential and enhancing student success drive NSBA and school board members in every community to do our utmost to support students. As the nation continues to grow, so does the need to adequately invest in public schools and public education so the necessary programs and resources are available for students to succeed.

To meet that goal, NSBA has pursued an aggressive, focused course of action with key members of Congress who can bring about necessary investments. NSBA worked to help secure passage in the House





of Representatives of the Labor, Health and Human Services, Education, Defense, State, Foreign Operations, and Energy and Water Development Appropriations Act, 2020. The “minibus” appropriations measure would provide significant increases in investments for IDEA, Title I grants for disadvantaged students, Title II resources for effective instruction, Title III grants for English Language Acquisition, Title IV programs for Student Support and Academic Enrichment, Perkins Career and Technical Education programs and apprenticeships, school safety, and social-emotional learning. Overall, the legislation would provide more than \$3 billion in increased investments for student achievement and educational opportunity.

As this important bill must be reconciled with a subsequent funding bill in the Senate for the Department of Education, NSBA will continue to strongly advocate for the federal investments needed in IDEA, Title I, and related programs through the Senate appropriations process. We also are working on a range of other key appropriations bills that impact public schools as the Senate continues its efforts to complete budgetary allocations for Fiscal Year 2020 for the Departments of Education, Health & Human Services, and Labor.

As school boards prepare for the upcoming school year, NSBA is informing Congress about the priorities of school districts as we advocate for greater federal support that helps districts close achievement gaps and address equity in education for all public school students.

### **Work to Ensure that Every Student Counts**

The profound mission of public schools to ensure that all children have access to an education is extraordinary not only as a bedrock principle of American society, but more importantly for its far-reaching positive impact on the lives of children. When it comes to the fundamental right to access education, it doesn't matter how children arrived in their community. Whether they were born in the U.S. or were accompanied by parents or came alone, with documents or without, seeking political

asylum or pursuing economic opportunity—the inviolate duty of public schools to educate all children in our country remains steadfast and essential. Indeed, public schools have a constitutional duty to educate all students regardless of citizenship status. Counting every child and family is essential in serving them.

The ability of public schools to carry out their mission is severely undermined when the federal government undertakes measures such as the inclusion of a question on citizenship in the decennial census, which U.S. Census Bureau and survey experts predict would cause an undercount of the number of children and families our schools serve.

Given the tremendously negative impact on public schools and schoolchildren the addition of a citizenship question would cause, NSBA is working to ensure that the census process is accurate, fair, and free from needless obstacles. In *New York v. U.S. Department of Commerce*, NSBA filed an amicus brief urging the Supreme Court to find the addition of a citizenship question to the 2020 census questionnaire to be inappropriate under the law, given the undercounts of key populations that are likely to result. NSBA warned that decennial census population counts are so vital to adequate funding for schools and education policy that census undercounts pose a grave risk to our education system. The high court ruled that there was no reasonable rationale put forth for adding a citizenship question to the census, sending the case back to the district court. Chief Justice John Roberts, who wrote the majority opinion, used the argument made in the NSBA brief for casting the deciding vote in favor of our position.

NSBA continues to monitor the courts on this matter and encourages Congress to uphold its rightful power to handle the census and the resulting enumeration.

### **Enhance Equity in Education**

When every student receives a high-quality education, the entire nation benefits. Undoubtedly, building a well-educated workforce is paramount for success in a competitive global economy. Fur-

thermore, it is a moral imperative to ensure students don't slip through the cracks and fail to reach their full potential.

Guided by these views, NSBA continues to work diligently with members of Congress from both parties to urge Congress to act swiftly to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to restore the pathway to U.S. citizenship for qualified undocumented students previously protected by the DACA program. We seek an extension of the DACA program through a measure that will provide the immediate support for continuity and reassurance that students will not be separated from their families and communities, and that their education will not be jeopardized. The nation's immigration laws also must continue to accommodate school districts that hire international teachers for high-need subjects, world languages, and other shortage areas.

NSBA conveyed strong support for provisions addressing the DACA program in the American Dream and Promise Act of 2019, which establishes a special procedure for applicants for DACA approved status. The bill was passed by the House of Representatives. We will continue working across party lines to secure immigration laws that enable school districts to fulfill their responsibility to educate all children who reside within their boundaries, regardless of immigration status.

NSBA also is engaged in legal efforts to address issues affecting undocumented students, staff, family members, and their school communities. As a respected voice in the courts, we have filed amicus briefs with federal courts at all levels, including the Supreme Court, arguing that drastic changes in federal policy without appropriate input from stakeholders can and will have devastating effects on communities with high populations of undocumented people, and especially on public schools in those communities.

In amicus briefs filed in several federal courts that were deciding whether the rescission of the DACA

program was legal, NSBA spoke with a clear point of view. The briefs, joined by other educational groups, describe how the DACA program motivated young people to stay in school, further their education, and choose productive careers, including in key jobs in public schools. The briefs featured the testimony of students, teachers, administrators, and school board members about their experiences concerning the educational benefits of the DACA program, and how they will be detrimentally affected by an abrupt change in policy. To date, federal courts have issued and upheld national injunctions preventing the withdrawal of the program completely and have permitted current DACA recipients to apply for renewal of their status. As these cases now move to the Supreme Court, NSBA again will present arguments in support of DACA recipients, known as "Dreamers," and the preservation of the DACA program.

On the regulatory front, NSBA commented on proposed rules of the U.S. Department of Homeland Security (DHS), urging it not to expand the definition of "public charge" as used in the Immigration and Nationality Act. We noted that many immigrant families—including those who have children who were born in the United States—will forgo enrolling for needed public benefits out of fear of losing the eligibility to adjust their immigration status. The regulatory change could lead to increased hunger and homelessness among the families that schools serve, and to undercounts of low-income students for purposes of federal funding. We will maintain our engagement with DHS.

### **Support True School Choice**

NSBA is the leading advocate for public education because we believe a strong public education is the best way for the nation and students to succeed. We will vigorously challenge "choice" schemes that amount to voucher programs through state and federal legal action and will continue working with Congress and federal agencies to protect taxpayer investment in public schools.

Among some federal policymakers there is a misconception, which is far from the truth, about the



various opportunities available to students in public schools. There are considerable educational options available for students at district-approved charter schools; magnet schools with a specialized focus on certain areas such as science, technology, arts, engineering, and mathematics (STEAM); and schools offering a suite of different instructional models—such as a move to more student-centered and personalized learning to promote deeper learning and skill development. Undermining public schools by shifting valuable resources away from them will only weaken the nation and the opportunities available for our students to succeed. Investing in public schools and the almost nine out of every 10 students who attend them is an investment in a bright and prosperous future. NSBA supports choice in public schools that is accountable to taxpayers.

As part of our efforts to protect public schools and accountability, NSBA also is actively opposing state privatization schemes, including so-called Education Savings Accounts and tax credit programs for private schools. In *Espinoza v. Montana*, NSBA will defend in the Supreme Court a Montana law barring the diversion of public dollars through state tax credits to religious schools. As other cases arise in states across the country, NSBA will continue to support the battle against privatization of public education.

Working with the Massachusetts Association of School Committees and other education groups, provisions that would have expanded the use of education savings accounts and 529 plans that offer tax-advantaged investments to pay for qualified education expenses for homeschooling and private school “expenses in addition to tuition” were removed from the Setting Every Community Up for Retirement Enhancement (SECURE) Act, which was passed by the House of Representatives. NSBA is working with members of the Senate to oppose the addition of any voucher provisions as the SECURE Act moves to that legislative chamber.

NSBA also is working with the National Coalition for Public Education to oppose the continuation of the federally funded District of Columbia Opportunity

Scholarship (i.e., voucher) Program and to proactively oppose proposals from the Department of Education to include private school vouchers as part of its Demonstration Grants for Indian Children program.

With the Department of Education taking an aggressive tack to advance the concept of “choice of school,” NSBA is deeply engaged in a constructive dialogue with the Secretary of Education and staff. We issued public comments to a proposed rule by the Education Department on charter school management organizations, asking the federal agency to:

- Direct federal support to local school district programs offering choice to their families;
- Bear in mind that each state has its own unique school funding and charter school approval system; and
- Clarify that a grant application approval should not be conflated or confused with validation of the grantee’s subsequent charter application to a local education agency chartering authority.

NSBA also specifically noted: “It is crucial that the Department consider the unique needs of tribal communities and, as it awards grants, to consider charter organizations’ meaningful ties to those communities and indigenous nations.” The final rules clarified that applicants must meaningfully collaborate with community leaders in such areas.

In addition, NSBA commented on a proposed rule issued by the Internal Revenue Service (IRS) that would limit a taxpayer’s ability to “double dip” by obtaining a state tax credit for a contribution to a scholarship program, and also to obtain a federal tax deduction for the same contribution. We supported ending this “double dipping” and urged the IRS not to allow a carve-out for private school tuition tax programs.

### **Invest in School Infrastructure**

Well-designed and safe school buildings, with resources that improve learning and facilitate student achievement—including high-speed broadband

connections and state-of-the-art science laboratories—and that feature energy-efficient green building designs, are essential to learn and develop needed skills.

However, too many public school buildings and infrastructures are inadequate and outdated, and school districts lack the funds and resources to upgrade them. National estimates have placed total school facility needs, including technology, at well over \$500 billion. Significant federal funding is required to upgrade public school infrastructure. Therefore, NSBA supports a federal government commitment to working with states and school districts to properly fund the rebuilding and construction of public schools, which serve almost 90 percent of students in the U.S.

NSBA is working to secure bipartisan support for the aspects of the Rebuild America's School Act that would spur school infrastructure projects. This bill was reported out of the House Education & Labor Committee, so we are urging the full House to act on this critically needed legislation.

Reinstating advance refunding into the federal tax code, which would help school districts and other municipal bond issuers secure significant savings in finance costs for capital improvement projects and other purposes, is necessary to properly fund public schools. The loss of this funding tool has cost school districts dearly, causing delays in projects. NSBA is meeting with key members of Congress to encourage legislation that will support advance refunding so school districts and other units of government could refinance outstanding bonds at lower interest rates, thereby redirecting more resources to education and securing additional savings for taxpayers.

In addition, NSBA is working to secure congressional and administration support for key programs vital to school infrastructure that already exist, such as full funding for the schools and libraries universal service support program, commonly known as the E-rate program, which is managed by the Federal Communications Commission (FCC). E-rate is a crucial program aiding schools and libraries to

connect to high-speed broadband that is vital for the type of student learning required for success. NSBA is advocating that the FCC maintain its funding and flexibility for school districts in the E-rate program.

Finally, NSBA is committed to advocating for funding for school infrastructure needs and emergency funding for disaster relief caused by natural catastrophes and extreme weather events.

### **Ensure Great Educators**

A great teacher can bring out the best in a student. But attracting great teachers, especially in high-need subjects and in rural areas, is a major challenge for school districts—especially as educator shortages continue to impact districts across the nation. Given the importance of teachers, the next reauthorization of the Higher Education Act (HEA) must do more to strengthen educator preparation and induction as well as encourage high-performing students to enter the profession.

During the last Congress, the House Education & Labor Committee passed legislation reauthorizing HEA. Unfortunately, the legislation eliminated provisions that are essential to supporting and retaining effective educators.

As Congress again attempts reauthorization, NSBA is engaging members of Congress to retain and improve important HEA investments. More specifically, we are urging the inclusion of the Preparing and Retaining Education Professionals (PREP) Act in the HEA rewrite. The PREP Act seeks to strengthen Title II and reduce educator shortages by providing incentives to attract high-performing students to the education profession, which would help ensure educator preparation programs deliver more sophisticated training in high-need subject areas. It also would promote partnerships with school districts to provide targeted professional development and other supports to help high-need subject area educators succeed at their unique and challenging positions.

In addition, NSBA is advocating for the replacement of the current Windfall Elimination Provision (WEB) and the Government Pension Offset (GPO) to the





Social Security Act with a fair formula that allows educators to receive the social security benefits for which they paid. The lack of a fair formula further disincentivizes those considering a career in teaching, as well as negatively impacts teacher retention.

### **Meet Student Nutrition Needs**

One of the first things that can prevent a student from having a good day at school is the lack of a healthy diet. It's difficult for students to learn when they are hungry. Yet, many students, especially from lower-income families, go to school every day hungry. NSBA and local school boards across the nation are committed to providing students with proper nutrition.

While the Healthy, Hunger-Free Kids Act authorization expired in 2015, NSBA continues to advocate for the reauthorization of school meals legislation that reduces burdensome federal mandates and provides much-needed flexibility for school districts to administer healthy meals that students want to eat, and we've made progress.

Last year, with NSBA's active support, the U.S. Department of Agriculture released two final rules that go a long way in providing the flexibility school districts need to serve their students. The first rule allows schools to offer students flavored 1 percent milk, reduces the 100 percent whole grains requirement to 50 percent—ending the exemption process that some school districts used when having trouble meeting the 100 percent whole grain requirement—and maintains the Target I sodium limits for school meals until 2024. The second rule simplifies the standards required for small (2,499 students or fewer) local education agencies to retain school nutrition professionals.

NSBA will continue to work with members of Congress and officials in the administration to advance proposals that provide public schools with the flexibility needed to deliver nutritious meals to students while addressing childhood hunger and obesity and student health.

### **Safeguard Student Rights and Privacy**

Learning data—information about how individual students learn best—is one of the most important tools to help teachers better instruct and connect with each student. When students use digital learning tools and adaptive technology, it can help them discover their strengths and challenges, leading to a more personalized learning environment and experience. Furthermore, good formative learning data generated by students as they work through their assignments can identify important information so instruction can be customized for each student to learn in their own style and manner, leading to more success.

As data about learning processes and student capabilities becomes an increasingly important tool for teachers and students, it is imperative that proper safeguards are in place to protect the personal information of each student and family. As technology and data gathering evolve, so must the laws and proper safeguards to protect privacy.

Unfortunately, the nation's primary law to protect students is outdated. It doesn't address many of the issues that modern technology has created. The 40-year-old Family Educational Rights and Privacy Act (FERPA) does not adequately address the needs of students, school districts, parents, state education agencies, and federal education policies. Given the need to modernize FERPA, NSBA will urge federal policymakers to update the statute so schools can use information to best serve students and families, while at the same time protecting the privacy and security of personal information, and the health and safety of school communities.

A key aspect of NSBA's efforts in the privacy area will urge policymakers to take a fresh look at the definition of "education records," which should include electronic media, and "directory information," which should not include address, telephone listing, and date and place of birth. NSBA will encourage an approach to data privacy that addresses current contracts to avoid undue disruption and an administrative burden, and that makes any update to FERPA or other laws and regulations affecting school district







management of student data consistent with those affecting online educational service providers.

NSBA also encourages federal policies that support effective training regarding data usage, privacy, and security protections for administrators, teachers, and other personnel. To help realize this necessity, we advocate for a balance of the privacy interests of the individual with the well-being of the community when there is a threat to safety.

### **Oppose Discrimination Against School Staff Based on Sexual Orientation and Gender Identity**

All students have a right to an education free of harassment and fear. That is why NSBA and local school boards across the nation support and encourage federal policies that prohibit discrimination based on sexual orientation and gender identity, similar to those for other protected classes such as age, race, religion, gender, national origin, and disability. We take a firm stance against any and all forms of violence, threats of violence, hate, hate-motivated actions, hate speech, or violent crimes based on race, color, religion, national origin, sexual orientation, gender identity, and disability, particularly regarding minorities in a school setting.

Keeping in mind the mission of public schools to serve all students, NSBA will continue to engage federal policymakers and the courts in the important conversation about how schools can respect the rights of students and staff. To this end, NSBA has led an effort in the Supreme Court to oppose discrimination against school staff under federal law based on sexual orientation and gender identity. We were joined in our amicus brief by the major education management and labor organizations: AASA, the School Superintendent's Association; the National Education Association (NEA); and the American Federation of Teachers (AFT).

### **Address the Skills Gap**

There is a burgeoning issue—a gap in the workforce skills necessary for students to succeed in life—that is reaching crisis proportions. There are now far

more jobs available than there are interested or qualified workers to fill them—more than 7 million jobs as of January 2019. That number is expected to double over the next five years.

Enabling students to obtain and hone the skills that will improve their marketability—and that are important to succeed in most of life's endeavors—requires strengthening technical education for students and adding opportunities to develop key skill sets such as adaptability, critical thinking, and reliability.

Last year, with NSBA's strong support, legislation was signed into law reauthorizing the Carl D. Perkins Career and Technical Education Act. This important law will help more students enter the workforce with the skills necessary to compete for and succeed in highly skilled, in-demand careers. The new law simplifies the requirements states must follow when applying for federal funds and streamlines the process for better alignment with state workforce development plans, which encourages more partnerships with state and local industries. NSBA is continuing to work closely with the administration to ensure implementation of the law follows congressional intent.

NSBA also is continuing our partnership with leading business trade associations to provide guidance to local school officials on initiatives and resources to help close the skills gap and to find ways for school boards and businesses to collaborate to improve the readiness of young people for employment and for life's challenges and opportunities. The effort to facilitate more and better ways for these groups to work together to help students enhance their technical and soft skills builds upon the work of the NSBA Commission to Close the Skills Gap, a group we formed to take an in-depth look at the subject. NSBA Executive Director and CEO was invited to speak at a meeting of C-level executives from major global corporations to discuss our efforts with the business community on closing the skills gap and to highlight the work of school boards. The "LifeReady Students" campaign is the next phase of the work of the commission, and it is intended to further elevate awareness of the issue and facilitate new partnerships among employers, industry associations, and school boards.

# ABOUT NSBA

The National School Boards Association (NSBA) is the leading advocate for public education. For almost 80 years, we have been leading the effort to support and enhance public education. We are succeeding in creating the best possible environment in which students can realize their dreams.

NSBA is a federation of 49 state associations and the U.S. territory of the Virgin Islands, representing their more than 90,000 school board officials. These local officials govern more than 13,600 local school districts serving more than 50 million public school students. Working with and through our state associations, and serving as their Washington, D.C., office, NSBA advocates for equity and excellence in public education through school board governance.

We believe public education is America's most vital institution. It is a civil right necessary to the dignity and freedom of the American people, and all children deserve equal access to an education that allows them to reach their potential.

In pursuit of these beliefs, NSBA and our members will continue to lead the national conversation about public education, advocate for public policies that ensure all students everywhere have access to a great public education where they live, create a better understanding of the importance of school boards and the benefits of local governance, and enhance the effectiveness of school boards.

NSBA and our members utilize our resources including the Council of School Attorneys (COSA), the Council of Urban Boards of Education (CUBE), the National Black Council of School Board Members (NBC), the National Hispanic Council of School Board Members (NHC), the National American Indian/Alaska Native Council of School Board Members (AIAN), the Conference of State Association Legislative Staff (CSALS), the Federal Relations Network (FRN), the Friends of Public Education Network (FPE), the National School Boards Action Center (NSBAC), the Center for Public Education (CPE), and a robust and continuous media program to fulfill our mission.

NSBA is a not-for-profit organization. The public policy agenda is determined by a 150-member Delegate Assembly made up of local school board members who represent their state associations of school boards. The Board of Directors translates this policy into action. Programs and services are administered by the NSBA Executive Director and CEO and by professional staff. NSBA is headquartered in Alexandria, Virginia, in the metropolitan Washington, D.C., area.

## **NSBA Officers and Executive Director & CEO**

### **President**

ElizaBeth “Beth” Branham

### **President-elect**

Charlie Wilson

### **Secretary-Treasurer**

Viola M. Garcia, EdD

### **Executive Director & CEO**

Thomas J. Gentzel

---

## **For More Information**

For more information about NSBA’s advocacy agenda and insight into key public policy issues, please contact:

### **Chip Slaven**

Chief Advocacy Officer  
cslaven@nsba.org  
703-838-6742

### **Francisco M. Negrón Jr.**

Chief Legal Officer  
fnegron@nsba.org  
703-838-6710

### **Rory Davenport**

Chief Communications Officer  
rdavenport@nsba.org  
703-838-6784



1680 Duke Street, 2<sup>nd</sup> Floor, Alexandria, Virginia 22314-3493  
nsba.org

V12019