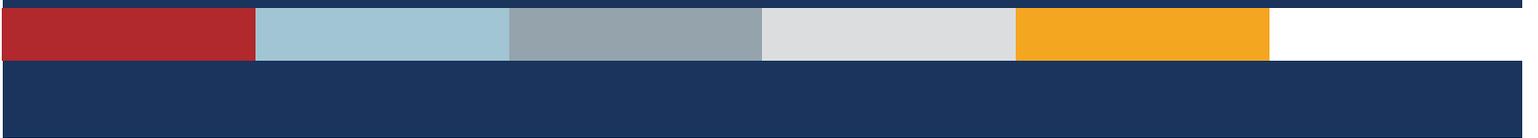


The logo for the National School Boards Association (NSBA), featuring the lowercase letters 'nsba' in a white, sans-serif font. The letter 'b' is stylized with three horizontal white lines passing through its middle.

Transition Recommendations



National School Boards Association



The National School Boards Association (NSBA) looks forward to working with the Biden/Harris administration and the next Congress to improve education and equity for the approximately 50 million students—90% of all American students—who are educated by our public schools. NSBA is pleased to offer these recommendations to the Agency Review Team (ART) for the U.S. Department of Education (ED) and other relevant agencies as the incoming administration prepares its agenda for the next four years.

NSBA launched its new advocacy and policy focus on October 27, 2020, [Public School Transformation Now!](#), which calls for concentration in 2021 and beyond on access, equity, and innovation to promote student mastery of 21st century skills and improved national learning. Public schools face three extraordinary challenges during this difficult time.

1. COVID-19 forced school buildings to close and students to work online across the nation on an unprecedented scale.
2. There is heightened racial unrest and tension as witnessed by events over the summer that has highlighted the lack of equity in our education system.
3. There is a continued lack of progress in preparing students with the requisite 21st century and real-world skills necessary for success in today's information- and technology-driven world.

NSBA has been focused on these three crucial issues through NSBA's [Center for Safe Schools](#), created in 2019; the [Dismantling Institutional Racism in Education](#) (DIRE) initiative, created this summer; and through the [Center for Public Education](#), a long-standing arm of NSBA that focuses on key education policy areas, best practices, and innovation. *The Public School Transformation Now! effort amplifies the work in these three areas, uniting them in a call for a more innovative, equitable, and safe public education system that is student-focused and promotes improved learning through modern approaches to instruction.*

Our recommendations address the ongoing national emergency while setting a vision for the future of public schools across the nation. The first set of recommendations is for immediate steps during the first 30 days after the inauguration. The second set of recommendations is focused on the sustained work over the first year and beyond to improve and transform public schools, which is tied to the success of the nation. We stand ready to work with the Biden/Harris administration to transform America's public schools and guarantee access, equity, and innovation for each child in every school.

Key Education Recommendations for the First 30 Days of the Biden/Harris Administration:

Appoint a Special Presidential Task Force on Public School Transformation and Equity

- NSBA urges President-elect Biden to establish a special task force focused on public education under the leadership of the incoming First Lady, Dr. Jill Biden. This task force should explore how to transform and improve learning in public schools through innovation and instruction that better promotes 21st century skills and improved equity. The task force should issue a report to the President and to the U.S. Secretary of Education within six months to help the Biden/Harris administration develop policies that promote innovation, equity, and transformation to inform key education laws, such as the reauthorization of the Elementary and Secondary Education Act (ESEA) and the Higher Education Act (HEA), especially as this law is pertinent to the effectiveness of teacher preparation programs.

- The task force's primary goal should be creating an equitable education system that better prepares students for success in a career and/or post-secondary learning after high school graduation. Thus, the task force should examine: the need for increased public education funding, flexibility, and resources that promote innovative instruction models such as personalized learning; exploring modern accountability and assessment systems, including a shift to formative assessments, less emphasis on standardized testing, and more focus on competency-based advancement; teacher recruitment, retention, and enhanced educator professional development; social and emotional health of students and trauma-informed practices; improving digital equity in education; better use of technology and digital resources; increasing the federal investment for students with disabilities; investments in school infrastructure to modernize school buildings; and exploring other policies and practices to provide a more equitable and excellent education for all students.
- The task force should be comprised of key public education stakeholders, including representatives of NSBA and local school boards; educators and other school leaders; state leaders in government and education; higher education representatives including community colleges, and key leaders in business and workforce development; and innovators. Further, in addition to ED, other federal agencies and officials that impact education such as the White House Domestic Policy Council, the Federal Communications Commission, the Department of Agriculture, the Department of Health and Human Services, the Department of Labor, and the Department of the Interior among others should be represented on the task force.

Provide COVID-19 Emergency Relief and Other Assistance:

- NSBA has been calling for immediate relief for public schools of at least \$200 billion since the pandemic forced most school buildings across the nation to close. The recommended funding breakdown includes \$175 billion for states to use for K-12 purposes, \$13 billion for the Individual with Disabilities Education Act (IDEA), and \$12 billion for Title I to assist students from low-income families. Moreover, NSBA calls for a minimum of an additional \$12 billion focused on closing the homework gap, the term commonly used when referring to the lack of equitable student access to high capacity broadband at home. The administration should direct that funds designated for the homework gap be distributed through the Universal Service Fund Schools and Libraries Program (E-Rate) that is under the authority of the Federal Communications Commission. Due to the urgency of the situation, NSBA believes this relief package should be passed by Congress and signed into law by President Trump before 2020 concludes. If there is no passage by the time of the inauguration, the Biden/Harris administration should work for an immediate passage of the relief that meets these recommendations.
- If emergency legislation is passed prior to the inauguration, the Biden/Harris administration should do an immediate situational analysis to ascertain if the proposal meets the needs of schools and students based on pandemic-related conditions in January and propose additional emergency legislation to address any shortfalls that may be determined at that time.
- Educators and school personnel should be deemed as essential workers under the COVID-19 vaccine protocols so that they can receive vaccinations as soon as possible to ensure that school buildings can reopen safely to protect students, their families, and school employees.
- The Biden/Harris COVID-19 taskforce should be expanded immediately to include representatives of public education, including representatives of local school boards.

- The U.S. Department of Education should grant temporary waivers from the accountability requirements in the Every Student Succeeds Act in 2021 due to the difficulties that have arisen from COVID-19.

Reverse Discriminatory Executive Actions and Rules that Harm Public Schools and Students

- The executive message issued on November 2, 2020, by President Trump establishing an Advisory 1776 Commission should be rescinded. This action would interfere in local decision-making concerning school curriculum and would harm efforts by many school districts to offer comprehensive and unbiased subject matter concerning American history.
- The rule issued by the U.S. Department of Education concerning Title IX Sexual Harassment regulations should be modified by starting the “Notice and Rulemaking” process to make it responsive to the needs of K-12 schools, removing burdensome and constrictive requirements.
- All rules that harm the Deferred Action for Childhood Arrivals (DACA) program enacted by the previous administration should be immediately rescinded. The U.S. District Court in Brooklyn ruled that the Acting Secretary of Homeland Security acted illegally—by potentially harming more than 640,000 individuals who receive protection from deportation and indefinitely closing the program to new applicants—but DACA students also need swift assurances from the new administration that they can continue to attend school without fear from the federal government. The administration should also consider whether additional action should be issued to strengthen DACA until a permanent legislative solution to assist Dreamers can be proposed by the President and passed by Congress.
- NSBA urges that the U.S. Department of Agriculture’s proposed change to eligibility guidelines for the Supplemental Nutrition Assistance Program (SNAP) be withdrawn due to the students and families who would be susceptible to food insecurity as a result of any change to the SNAP program. When this rule was originally proposed, as many as 982,000 children would no longer be directly certified for free school meals due to the change. COVID-19 has only exacerbated food insecurity for countless families across the nation.
- President Trump’s executive message issued on September 20, 2020, limiting diversity and equity training by federal contractors and recipients of federal grants should immediately be rescinded. This action would harm important equity training that school districts around the nation employ to educate employees on issues related to diversity, equity, and inclusion. The Biden/Harris administration should consider ways to strengthen these important training programs.
- NSBA recommends the U.S. Department of Homeland Security (DHS) immediately abandon any efforts to expand the definition of “public charge” as used in the Immigration and Nationality Act, which was recently struck down by a federal court. This should include abandoning any appeals of the ruling or redrafting of the definition. Many immigrant families—including those who have children who were born in the U.S.—would forgo enrollment 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.
- The administration should call for schools NOT to administer student discipline based on race, color, or national origin—consistent with data and research findings on racial disparities in student discipline, including out-of-school suspension, which emphasized positive reinforcement of student behaviors and appropriate supports and interventions, and exclusionary discipline used as a last resort.

Key Education Recommendations for the Biden/Harris Administration in 2021 and Beyond:

Promote Public School Innovation and Oppose Diversion of Taxpayer Funds to Private Schools

- The last four years have included a problematic focus diverting federal funds away from public school students to support private education. COVID-19 magnified the massive negative impact of this harmful policy decision. NSBA urges the new administration to strongly oppose voucher proposals and other attacks on public education funding. Instead, we encourage you to increase investment in public schools to promote school transformation and innovation. Educational options that are available for students at local public schools; 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 shift to more student-centered and personalized learning to promote deeper learning and skill development—should be expanded to better promote 21st century skills. The federal government must also provide increased funding and resources to support public school transformation to boost student achievement through IDEA, Title I, and other revenue streams. There should also be investments to help systemically underserved students by strengthening the Head Start program to better provide services for pre-Kindergarten students and through Title III of ESEA to help students who are English Learners get the resources they need. There must be a strong investment in public school students, especially for the populations of students that require the most assistance.

Provide Full Funding of the Individuals with Disabilities Education Act (IDEA)

- Providing students with disabilities an excellent education is not only a legal requirement under IDEA, but also the correct and moral thing to do. Public schools across the nation are committed to providing those students with opportunities to learn and succeed every day. While local districts are providing this valuable service, the federal government has not lived up to its responsibility to provide adequate funding to help local schools with the efforts to educate students with disabilities. This failure not only hurts the more than 7 million students with disabilities; but it also hurts all the students who attend public schools. The new administration should fully fund IDEA in its budget or offer a pathway to implement full funding over a 10-year period, as called for by legislation in the most recent Congress, the bipartisan and bicameral IDEA Full Funding Act.

Help Students from Low-Income Families Through Increased Funding for Title I

- Students from low-income families face numerous challenges that require enhanced resources and assistance. The Title I program of the ESEA, as amended by the Every Student Succeeds Act (ESSA), provides necessary funding to local educational agencies and schools that have high numbers and/or percentages of students from low-income families. NSBA believes funding for the Title I program should be increased and would support the President-elect's proposal to triple funding for this important program that helps level the playing field so all students can have an excellent education.

Promote Digital Equity and Close the Homework Gap

- Almost 17 million public school students lack adequate access to high-speed broadband and/or internet devices. The new administration must make closing the digital divide in education a high priority. This will require focus from the President, the Department of Education, the Federal Communications Commission (FCC), and other agencies. President-elect Biden should call on Congress to invest in eliminating broadband infrastructure gaps and in investing in the students and families without adequate home high-speed broadband and/or internet devices. The administration also should engage with the major technology companies and internet providers on this important issue.
- This infrastructure work should include a request by the administration for the funding the FCC needs to support the implementation of the bipartisan Broadband DATA Act (approved by Congress earlier this year).
- The National Education Technology Plan should focus on issues that have arisen because of COVID-19 and include input from relevant stakeholders, including NSBA and local school boards.
- Further, NSBA urges Congress and the FCC to reinstate net neutrality, as it is beneficial to school districts and communities for affordable broadband connectivity, especially to those in rural and remote areas.

Focus on Teacher Recruitment, Retention, and Professional Training

- The growing shortage of teachers was a major problem in education prior to COVID-19; and the pandemic has made the issue that much more desperate. Immediate steps must be taken to recruit more teachers to the profession and provide resources for teachers to help retain them in the profession. The next reauthorization of the Higher Education Act (HEA) must do more to strengthen educator preparation and encourage high-performing students to become teachers through proposals such as the bipartisan Preparing and Retaining Education Professionals (PREP) Act. ESEA Title II funding should be increased to allow for modern professional development focused on better using technology and student learning data and teaching in innovative instruction models that can better prepare students to have necessary 21st century skills.

Invest in School Infrastructure

- The administration must make a strong investment in school infrastructure. NSBA supports modern, 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. NSBA supports a federal government commitment to work with states and school districts to fund the rebuilding and construction of public schools. This includes securing bipartisan support for the aspects of the Rebuild America's School Act that would spur school infrastructure projects. NSBA also supports 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, which is necessary to properly fund public schools. The loss of this funding tool costs school districts millions of dollars and prevents securing additional savings for taxpayers.

Focus on Cybersecurity and Student Privacy

- The recent ransomware and other serious cyberattacks on public schools further indicate the need for stronger prevention programs to mitigate the massive privacy and network security risks associated with today's information-driven world. Cybersecurity investments must be included as part of emergency education and broadband funding provided by Congress. It is also important the administration works with the major technology companies and internet providers to help address these issues. There should also be a focus on better protecting the data and privacy of students. 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. NSBA urges that FERPA be modernized so schools can use data 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. NSBA also encourages federal policies that support effective training regarding data usage, privacy, and security protections for administrators, teachers, and other personnel. Finally, NSBA strongly supports the ED Privacy Technical Assistance Center (PTAC) and recommends it be strengthened to help school districts understand federal privacy requirements and deal with the numerous privacy issues raised by the pandemic and the broader transition to greater digital learning.

Pass Legislation to Protect Dreamers and Establish a Pathway to Citizenship

- NSBA recommends the Biden/Harris administration and members of Congress from both parties 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. Laws must be enacted that enable school districts to fulfill their responsibility to educate all children who reside within their respective boundaries, regardless of immigration status.



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