



# RESOLUTIONS

## OF THE NATIONAL SCHOOL BOARDS ASSOCIATION

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The following is the complete and official text of the resolutions enacted by the 2019 Delegate Assembly of the National School Boards Association which met in Philadelphia, Pennsylvania on March 29, 2019. The resolutions, which determine NSBA policy, originate from numerous school board sources throughout the United States, its territories, and possessions. Resolutions are submitted to the Delegate Assembly for consideration by the Policies and Resolutions Committee. The Delegate Assembly, which consists of local school board members from the various states and the U.S. Virgin Islands, debates and enacts final resolutions.

### **1. Individuals with Disabilities Education Act (IDEA)**

NSBA urges Congress to reauthorize and fully fund the Individuals with Disabilities Education Act to:

- (a) limit responsibilities for child find and evaluation of students with disabilities to only those students who reside within the boundaries of the local school district;
- (b) prohibit any court, administrative body or other entity from requiring a school board or state within the United States to provide for a child's education, residential cost or the cost of any other services provided outside the United States;
- (c) prohibit tuition reimbursement for students with disabilities unilaterally placed by their parents in private schools;
- (d) ensure the due process provisions are collaborative, effective, and efficient, and require the parties to engage in mediation before a hearing;
- (e) always place the burden of proof in challenges to a student's Individualized Education Program (IEP) upon the party bringing the challenge;
- (f) eliminate unnecessary and overburdening requirements for local school districts that do not directly impact educational outcomes for students;
- (g) establish a reasonable cap on plaintiff attorney's fees;
- (h) allow school districts flexibility to apply Maintenance of Effort (MOE) under IDEA;
- (i) continue to enhance the success of early intervention and response to intervention (RTI) programming;
- (j) promote informed and informal collaboration between parents and schools in developing appropriate IEPs;
- (k) retain the prohibition of general damages awards by hearing officers, and refrain from expanding remedies to parents or school districts;
- (l) retain the two-year limit to awards of compensatory services and create a shorter statute of limitations period for appeals in order to assure the speedy resolution of disputes;

- (m) refrain from federal mandates regarding seclusion and restraint, so that the state and local standards can be applied by the IEP team;
- (n) make clear that a student’s “stay put” placement during a dispute is the last agreed-upon placement; and limit a school district’s financial obligation once a court has determined the district’s placement to be appropriate; and,
- (o) create alignment with other federal statutes directly impacting LEAs’ provision of resources and services to students with disabilities, including Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act and its amendments, and the Elementary and Secondary Education Act, as amended by the Every Student Succeeds Act.

## **2. Census**

NSBA urges Congress and the Administration to ensure that all persons are accurately counted in the federal census as required by the U.S. Constitution; and specifically urges that the Census does not include questions that would identify citizenship status.

## **3. School Safety and Crime Prevention**

NSBA urges Congress and the Administration to provide greater and sustained resources for locally determined programs that are critical to school safety, such as school resource officers, school counseling, emergency preparedness and response training, interagency coordination, and a federal school safety technical assistance center to serve as a resource and clearinghouse of federal guidance and training resources. NSBA also urges greater and sustained federal resources that expand access to mental health services and support comprehensive “wrap-around” services to schools that include a range of community resources to address safety and intervention. Further, NSBA reaffirms the purpose of the Gun-Free School Zones Act to ensure the safety of our nation’s schoolchildren.

## **4. Teacher and Principal Effectiveness**

NSBA urges Congress to retain federal policies to provide loan forgiveness for teachers and principals who serve in public schools to encourage the simplification and transparency of the loan application process, and to oppose predatory collection processes. NSBA urges Congress to provide funding for innovation, research, and implementation of locally developed strategies to improve teacher and principal effectiveness authorized by the Every Student Succeeds Act and the Higher Education Act to increase student achievement through:

- (a) Evidence-based preparation and professional development, including residency programs administered by partnerships of institutions of higher education and local districts;
- (b) Evidence-based evaluation systems that include, in part, student performance;
- (c) Alternative certification programs;
- (d) State and school district flexibility regarding credentials for small and/or rural schools, special education programs, English learners and specialized programs such as science, technology, engineering, arts, and mathematics; and,
- (e) Locally-determined compensation and teacher and principal assignment policies.

## **5. Use of Public Funds for Non-Public Education**

NSBA supports strengthening local school board governance and community ownership in public schools and recognizes the many options and choices offered to students in our public schools. NSBA opposes vouchers, tuition tax credits and similar programs, and charter schools not subject to

oversight of the local school boards, effectively creating a separate unaccountable system of publicly funded education which: a) diverts public funding to private schools, private home schools, including virtual schools, regardless of whether they are owned or operated by individuals, religious institutions, not for profit entities, or corporations; b) diverts public funds outside of locally elected, locally accountable, representative oversight; and c) often has the effect of re-segregating schools. Public funds should only be used within public schools to advance curricular opportunities, including specialized public school programs authorized by local school boards, such as magnet schools, alternative schools, career and technical education partnerships, advanced placement programs and classes, dual credit programs, post secondary-high school partnerships, and high school-local business partnerships. NSBA urges full accountability of the use of public funds for educational purposes.

#### **6. Every Student Succeeds Act Implementation (ESSA)**

NSBA urges Congress to fully fund ESSA to support states and local school districts in achieving the goals of ESSA, including programs that support student academic enrichment that must be identified and implemented by local education agencies working with local school board oversight. NSBA urges Congress to use its oversight authority to ensure that the Administration upholds the local governance provision in the law and meaningfully engages local school boards during each step of the ESSA implementation process, including to support Local Education Agency (LEA) plan development with local school board governance. NSBA also urges the Administration to implement ESSA in a transparent and collaborative manner that recognizes ESSA's limitation of executive overreach and reaffirms local school board governance.

#### **7. Opposition to Unlawful Expansion of Executive Authority**

NSBA supports an appropriate federal role in education, but opposes—as an invalid exercise of delegated authority—federal intrusion and expansion of executive authority by the U.S. Department of Education and other federal agencies in the absence of authorizing legislation.

#### **8. Changing Students' Placement Under IDEA (Part One—Harm to Self)**

NSBA petitions Congress to amend the Individuals with Disabilities Education Act (IDEA) to allow a school (referred to in IDEA as a local educational agency or LEA) to place a child with a disability who causes or attempts to cause serious bodily injury to himself or herself in an alternative educational setting without an evaluation for not more than 45 days if the behavior is a manifestation of the child's disability and the child's original individualized education plan (IEP) does not provide for an alternative educational setting.

#### **9. Changing Students' Placement Under IDEA (Part Two—Bodily Injury)**

NSBA petitions Congress to amend the Individuals with Disabilities Education Act (IDEA) to allow states to define under state law the degree of bodily harm that must be inflicted upon another person before a school (referred to in IDEA as a local educational agency or LEA) may place a child with a disability in an alternative educational setting without an evaluation for not more than 45 days, regardless of whether the behavior is a manifestation of the child's disability, where the child's original individualized education plan (IEP) does not provide for an alternative educational setting. (It is intended that some bodily harm—i.e., physical pain or injury, illness, or impairment of physical condition—must occur before a school could utilize this provision.)

## **10. Federal Impact Aid**

NSBA urges Congress to authorize and fully fund Impact Aid to local districts, to help support the education of all students whose parents or legal guardians reside and/or work on federal tax-exempt property or within local school districts that include federal tax-exempt property. Further, NSBA urges Congress to review the threshold for eligibility in those circumstances where the parent or legal guardian has been called to active duty outside the geographical boundaries of a school district that does not meet the 400 students or 3% enrollment requirement for Impact Aid. The review would explore the possibility of expanding eligibility requirements for Impact Aid without displacing funds from districts that are currently eligible.

## **11. Forced Separation of Children and Families**

NSBA recognizes that the forced separation of migrant children and their families seeking entry or asylum into the United States is traumatic and disruptive to the delivery of quality education, and urges the federal government to avoid such practices.

## **12. Trauma Informed/Trauma Responsive**

NSBA urges Congress and the Department of Education to provide programmatic resources for states and districts to support trauma responsive and trauma informed teaching and learning through high quality, culturally responsive curriculum and instruction in a wide range of content areas of instruction including the arts, health and physical education, and teacher and principal professional learning and student enrichment enacted as part of the Every Student Succeeds Act (ESSA).

## **13. Supporting Students' Social and Emotional Needs**

NSBA urges Congress and the Administration to provide increased funding and additional resources to support local school districts' efforts to address students' mental health, safety, and social needs that may arise from critical issues including, but not limited to, profiling of students based on age, race, color, national origin, ethnic background, English proficiency, immigration status, religion, gender, gender identity, sexual orientation, disability, socio-economic status, culture, political beliefs, or pregnancy; disproportionate discipline and the disproportionate identification of minority students and those with special needs; gang violence; school shootings; bullying; cyber-bullying; toxic stress; suicide; attempted suicide; drug and alcohol use; sexual harassment; and sexual assault.

## **14. School Based Medicaid and Affordable Care Act Penalties**

NSBA supports the following legislative priorities to ensure students in greatest social, economic, and emotional need will be supported through:

- a) Sustaining school-based Medicaid services and related programs currently authorized by the Affordable Care Act that ensure access to health insurance for children and families, including the expansion of Medicaid services to support access to health care for the most economically disadvantaged students; and,
- b) Federal policies that provide equal access to public programs, accommodations, and social and health services to support all students who are lesbian, gay, bisexual, transgender, or otherwise questioning their own sexual identity.

Further, NSBA shall advocate for changes in the Affordable Care Act to modify conditions under which penalties may be imposed on school districts and other governmental employers for health insurance coverage that exceeds the price benchmark established by the law.

#### **15. Medicaid**

NSBA urges Congress and the Department of Education to fully support Medicaid in schools.

#### **16. E-Rate and Education Technology Gaps and Open Internet**

NSBA urges Congress and the Federal Communications Commission (FCC) to continue to modernize and strengthen the E-Rate program to ensure efficient and equitable operation of the program, to improve the capacity, quality and speed of connectivity in our nation's schools, and to address the technology gaps that remain. Congress and the FCC should do no harm to current school and library recipients during the transition to broadband and other high-speed learning options and retain an equity-based method of resource distribution. The FCC should streamline administration of the E-Rate program, maximize local flexibility to use E-Rate resources to meet technology goals, and continue to safeguard Category 1 funding for Internet access. Congress and the Administration should also implement a permanent exemption or other long-term solutions to the Anti-Deficiency Act. Congress and the FCC should close the education technology gap for children in rural and low-income communities who lack access to or cannot afford out-of-school technology and digital connectivity needed for academic success. 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.

#### **17. Childhood Nutrition**

NSBA urges Congress to reauthorize the Healthy, Hunger-Free Kids Act in way that increases flexibility and relief for school districts to successfully administer school meal programs. A child nutrition reauthorization should: 1) Provide relief for whole grain content and sodium reduction targets; 2) Reduce or eliminate the paid meal price mandate that resulted in unnecessary price increases for certain students; 3) Provide more flexibility for a la carte foods; 4) Restore the five-year administrative review cycle; 5) Increase reimbursement levels and other federal funds to cover the cost of compliance and/or authorize local school districts to make implementation feasible within available federal resources; 6) Streamline the eligibility determination process for enrolling students; and 7) provide more flexibility for the offer versus serve policy. In addition, NSBA urges Congress to ensure meaningful consultation and increase stakeholder engagement by establishing advisory committees that include school board members to provide input and recommendations to the U.S. Department of Agriculture and other federal and state agencies responsible for food safety to improve and coordinate inspection, notification, and other protocols to ensure the nutritional value and safety of foods served in school lunch, breakfast, and snack programs. Additionally, Congress should address program integrity, including threshold eligibility limits to address factors such as local cost of living and concentration of poverty, in a way that balances the needs of families and children most in need.

## **18. Breakfast for ALL Eligible Students**

NSBA urges Congress and the U.S. Department of Agriculture to provide federal funds and reimbursement increases in order to cover the full cost of compliance and implementation of providing breakfast to all eligible children in school districts that choose to implement it.

## **19. 21st Century Skills**

NSBA urges Congress and the Administration to support programs and research that focus on problem-solving, creativity, innovation, critical thinking, world-language proficiency, civility, soft skills, and other high-level 21st century skills that are important for success in a global workplace. Congress should support school district capacity to provide a well-rounded education, including STEAM, physical education, project based learning, and the technology and tools necessary to foster innovative learning practices and instructional methods that bridge school and real-world experiences, provide for greater personalization of education, and prepare students for college and/or careers, as this is critical to closing the workforce skills gap.

## **20. Testing**

NSBA urges the Administration to implement the Every Student Succeeds Act (ESSA) in a way that restores local governance of public education to local school districts and fully allows districts to utilize the flexibilities in the law relating to the implementation and administration of academic assessments. NSBA encourages the U.S. Department of Education to:

- (a) support state and local efforts to provide students with an education that is appropriately focused on the skills and knowledge needed for success in the global and technological world of the 21st century by funding appropriate education entities to adopt model standards for voluntary adoption;
- (b) ensure that the National Assessment of Educational Progress (NAEP) and other national assessments as well as international tests do not exceed their current use of providing comparative data through sampling; and refrain from requiring or coercing the use of these assessments by states in developing their own standards or for high stakes accountability purposes; and,
- (c) foster, through formal regulations and non-regulatory guidance, an environment that encourages the development of innovative statewide and local assessment systems, as permitted under ESSA, that measure the skills and knowledge that students will need in the 21st century.

## **21. Student Data Privacy**

NSBA urges Congress and the Administration to modernize the more than forty-year-old Family Educational Rights and Privacy Act (FERPA) to address the 21st Century needs of students, school districts, parents, state education agencies, and federal education policies without compromising the protection of stakeholders. Specifically, NSBA urges Congress and the Administration to do the following in future law and guidance addressing data privacy and security:

- (a) Reconcile and update definitions of “education records,” “directory information” and “personally identifiable information”;
- (b) Explicitly include student data maintained in electronic media in the definition of “education records,” and exclude address, telephone listing, and date and place of birth from the definition of “directory information”;

- (c) Refrain from adopting a broad definition of the term “education records” to incorporate, for example, “metadata” and “de-identified” data;
- (d) Consult meaningfully with school boards, administrators and school attorneys to address implementation specifics, effects on existing contracts and agreements with service providers, and related requirements, to avoid undue disruption and administrative burden;
- (e) Make any update to FERPA or other laws and regulations affecting school district management of student data consistent with those affecting online educational service providers;
- (f) Limit the role of the U.S. Department of Education with respect to student data privacy to that of technical support and training, not enforcement;
- (g) Incorporate balanced provisions for parental consent that do not compromise student achievement and do not impose significant (and/or disproportionate) administrative burdens on school districts; and,
- (h) Support school district and state policies as well as effective training regarding data usage, privacy, and security protections for administrators, teachers and related personnel/stakeholders.

## **22. Disclosure of Certain Disciplinary Actions Under FERPA (Threats to School Safety)**

NSBA urges Congress to amend the Family Educational Rights and Privacy Act (FERPA) to allow a school or school district (referred to in FERPA as an educational agency) to disclose information about the final results of disciplinary actions or other corrective actions (such as suspension, expulsion, change in placement, etc.) it has taken with regard to a student who has threatened school safety (e.g., by bringing a weapon to school and/or engaging in or threatening to engage in violent acts toward a student or students using a weapon). Any such disclosure would be limited to the type of disciplinary action taken and the nature of the offense, and would not include personally identifiable information from education records.

## **23. Federal Support for STEAM Education**

NSBA urges Congress, the President of the United States, and the United States Department of Education to identify the advancement of STEAM education in the nation’s public elementary and secondary schools as a high priority. Further, NSBA, will seek federal funding to enable states and local school districts to implement integrated STEAM education programs to ensure that our students have the knowledge and skill necessary for success in college and careers.

## **24. Early Learning**

NSBA urges Congress and the Administration to affirm local school district governance in early learning programs and to refrain from imposing mandates on states or school districts with regard to Pre-K and K-3 education such as teacher and principal training and credentials, compensation, instruction, standards, or other areas of local decision making.

## **25. Educational Opportunity for Undocumented Students**

NSBA urges Congress to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to authorize the cancellation of removal, resolve immigration status, and work toward United States citizenship of undocumented students who are long-term United States residents. Further, NSBA urges the administration to provide all of the support possible, as permitted by local and federal law, to serve all students, including undocumented students.

**26. Migrant Education Program**

NSBA urges Congress to amend the Migrant Education Program (MEP) to make funding available to school districts to help them fulfill their legal obligation to educate children of migrant workers regardless of their immigration status or the availability of employment documentation. In order to give migrant children the opportunity to reach their full potential, NSBA also urges Congress to fully fund MEP.

**27. Graduation Rate**

NSBA urges Congress to amend the Elementary and Secondary Education Act to recognize all authorized diplomas in the state and district graduation rate.

**28. Protection of 529 Savings Programs for Children and Students**

NSBA supports legislation at the federal and state level to restrict the use of 529 accounts to post-secondary education, and further, NSBA supports the establishment of a means of educating parents and students of the risks inherent in drawing down college savings for use in paying tuitions for elementary, middle and secondary schools.

**29. Equal Treatment of Educators**

NSBA urges Congress to permanently repeal the current Windfall Elimination Provision (WEP) and the Government Pension Offset (GPO) to the Social Security Act and replace it with a fair formula to:

(a) provide equal Social Security benefits that were earned by educators who paid Social Security taxes at some point during their careers; and

(b) guarantee educators receive the benefits they earned while they paid into Social Security.

**30. Natural Disaster Relief**

NSBA advocates for funding for school infrastructure need and emergency funding for disaster relief caused by natural catastrophes and extreme weather events.



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