



# 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 2022 Delegate Assembly of the National School Boards Association, which met in San Diego, California on April 1, 2022. The resolutions, which determine NSBA policy, originate from numerous school board sources throughout the United States, its territories, and possessions. Resolutions are discussed by the NSBA Beliefs and Resolutions Committee, and then submitted to the Delegate Assembly for consideration. 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. 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.

## **3. 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.

## **4. 21<sup>st</sup> 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.

## **5. 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;
- (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; and,
- (d) limit the punitive use of high-stakes testing results during and for two years following the COVID-19 pandemic.

## **6. Teacher and Principal Effectiveness**

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;
- (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.
- (f) 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.

## **7. 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.

#### **8. Elementary and Secondary Education Act Implementation (ESEA)**

NSBA urges Congress to reauthorize the Elementary and Secondary Education Act (ESEA), referred to in the most recent reauthorization as the Every Student Succeeds Act (ESSA), and to fully fund ESSA until ESEA is reauthorized 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.

#### **9. 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.

#### **10. 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 program (IEP) does not provide for an alternative educational setting.

#### **11. 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 program (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.)

## **12. 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

## **13. Trauma Informed/Trauma Responsive**

NSBA urges Congress and the Department of Education to provide funding and 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). Congress must make significant investments in sustained, long-term care to help address the trauma of the pandemic as well as implement immediate solutions that can serve students remotely.

Further, National School Boards Association supports and advocates for evidence-based policy and services that are aimed at developing approaches to be used in schools that are geared towards creating opportunities for students to cope with trauma in order to have success academically and in life.

## **14. 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.

## **15. 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 and through other means that support school districts and other governmental employers to help them keep health insurance

coverage costs affordable. The COVID-19 pandemic has demonstrated the growing importance for public school students and their families for Medicaid and Affordable Care Act services.

## **16. Medicaid**

NSBA urges Congress and the Department of Education to fully support school-based Medicaid services which support the health and well-being of every child attending public schools helping ensure they receive a high-quality education.

## **17. 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. Moreover, NSBA opposes the previous FCC proposed rule to enact a budget cap on the Universal Service fund and sub-cap on the E-Rate and Rural Health Care Programs. Further 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, commonly called "The Homework 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 and innovative instruction options such as personalized learning that promotes twenty-first century life and work skills. NSBA urges that Congress and the administration use the E-Rate program to distribute emergency funding for students who lack access to devices and/or the internet since it is an existing program that provides transparency and an efficient organization for distribution to the neediest students. 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.

## **18. 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; 7) provide more flexibility for the offer versus serve policy; and 8) address the well-being of every student by advancing flexible nutrition proposals to assist in delivering nutritious meals to students while addressing childhood hunger and obesity and student health, and to offer temporary and emergency flexibility around meal delivery during the COVID-19 pandemic and other national emergencies. 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.

## **19. 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. Additionally, NSBA urges Congress to better address the well-being of every student by advancing flexible nutrition proposals to assist in delivering nutritious meals to students while addressing childhood hunger and obesity and student health. Moreover, NSBA urges U.S.D.A. to offer temporary and emergency flexibility around meal delivery during the COVID 19 pandemic and other national emergencies.

## **20. 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.

## **21. 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.

## **22. 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, urges Congress to provide federal funding to enable the 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.

## **23. 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.

## **24. 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.

## **25. 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.

## **26. 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.

## **27. Protection of 529 Savings Programs for Children and Students**

NSBA supports legislation at the federal and state levels 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. NSBA urges a repeal of the provisions in Public Law 115-97 that currently allow the use of 529 savings plans for vouchers to private elementary and secondary schools and supports the use of 529 plans for tuition costs for apprenticeships.

## **28. Federal Disaster Relief**

NSBA advocates for funding and tax-related measures for school infrastructure needs and emergency funding for disaster relief caused by natural catastrophes, other extreme weather events, and health related crises including pandemics and localized epidemics.

## **29. Federal Disaster Relief and Recovery for School Districts**

NSBA urges federal action to require the Federal Emergency Management Agency (FEMA) to provide a temporary waiver to local governments that use an intergovernmental cooperative purchasing program in accordance with the local government's state law for the immediate procurement of vendors to mitigate disaster relief and recovery from a federally declared natural disaster. The temporary waiver would relieve a local government dealing with a natural disaster from the added requirements of providing extensive documentation to show and explain how its use of a cooperative purchasing program complies with federal procurement requirements as a condition of federal awards.

## **30. Public Health Pandemic Relief**

NSBA advocates emergency funding for disaster relief caused by a public health pandemic, including a 'supplement not supplant' provision that prohibits a state from supplanting monies, so the federal funds are used for the intended purpose of the legislation. Likewise, NSBA supports maintenance of effort provisions that require states to maintain funding for K-12 education, for current and forthcoming years, as a condition of receiving federal funds.

## **31. Access to Computer Science Education**

NSBA urges Congress and the Administration to support access to computer science education for all students in the United States. NSBA seeks a greater national strategy for providing computer science education to all students. NSBA urges Congress to fund state and local development of curriculum, support the equitable distribution of materials, and encourage the thorough integration of computer science in all public school systems.

## **32. Connectivity for All Students**

NSBA urges Congress to fund and support connectivity as a necessary public utility for all students including through the regulation of relevant industries, creative incentives for private interests, and direct allocation of resources dedicated to addressing this immediate and urgent need.

### **33. Domestic Minor Trafficking and Exploitation**

NSBA urges Congress to increase its focus on protecting the human rights of trafficked student victims and the non-criminalization of such students by providing more funding and collaborating with organizations that work to prevent minor trafficking and exploitation. NSBA supports and advocates for evidence-based policy and services for survivors of minor trafficking and exploitation.

### **34. Restorative Justice/Practices**

NSBA urges Congress to fund state and local educational agencies efforts to institute school behavior management policies that decrease the likelihood of at-risk populations being negatively impacted by the school-to-prison pipeline.

### **35. Full Funding of the Individuals with Disabilities Education Act (IDEA)**

NSBA urges Congress to pass the IDEA Full Funding Act in order to support the promise of a Free and Appropriate Public Education for all students with disabilities by fulfilling the Individuals with Disabilities Education Act with funding to support 40% of the excess cost of educating those students by the federal government.

### **36. Funding of the Universal School Meals Act of 2021**

NSBA calls upon Congress to pass the Universal School Meals Program Act of 2021 which would amend the Child Nutrition Act of 1966 and the Richard B. Russell National School Lunch Act to make breakfasts and lunches free for all children, without adversely affecting federal formula funding that may use free and reduced lunch rates.

### **37. Social Security: Repeal of Government Pension Offset and Windfall Elimination Provision**

The National School Boards Association urges Congress to repeal the Windfall Elimination Provision and the Government Pension Offset to the Social Security Act.

### **38. Free-Reduced Lunch Qualification**

NSBA urges Congress and the Administration to define poverty level requirements for the Free and Reduced Lunch Program by utilizing Area Median Income as used by the Department of Housing and Urban Development or the national federal poverty level, whichever is higher.

### **39. Fund Pre-K Education**

NSBA urges Congress and the Administration to fully fund universal Pre-K education.

### **40. Mental Health Resources for America's Students**

NSBA urges Congress and the Administration to establish dedicated funding for the purpose of supporting school districts in hiring health professionals, including school nurses, counselors, social services managers, and mental health professionals, to support the health and well-being of America's

students, thereby creating comprehensive mental health resources to address this barrier to education of America's students.

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