



The leading advocate for public education

Legislative Priorities for the 116th Congress

On behalf of the nation's state school boards associations and more than 90,000 local school board members, the National School Boards Association is advocating the following legislative priorities in the second session of the 116th Congress. As NSBA's campaign to champion the Individuals with Disabilities Education Act (IDEA) continues, NSBA is advocating for elementary and secondary education provisions in the reauthorization of the Higher Education Act to help address teacher shortages, advancing school infrastructure and school safety priorities, urging Congress to address the Deferred Action for Childhood Arrivals (DACA) program, and continuing our advocacy regarding educational choice and innovation, child nutrition, digital equity, and other important areas of concern to school boards. In addition to these priorities, NSBA will continue to be a strong advocate for maximum federal investments in public education in a variety of ways. Championing local governance for school boards that oversee more than 13,000 public school districts, to ensure flexibility within federal-state-local intergovernmental partnerships that support school district innovation and equity in education for student success, remains a high priority. Moreover, NSBA urges Congress and the Administration to ensure that the following federal laws and policies support school boards' efforts to improve educational outcomes among all students.

Full Funding for the Individuals with Disabilities Education Act (IDEA)

PRIORITY: NSBA urges Congress to advance the national dialogue about increasing the federal share of funding for the Individuals with Disabilities Education Act, so that school districts can expand their work to ensure that all students with disabilities achieve their full potential.

NSBA's advocacy to strengthen the federal investment in special education for the almost seven million students who receive educational services through IDEA is now focused on the bipartisan, bicameral IDEA Full Funding Act (H.R. 1878 and S. 866). This legislation would establish a ten-year authorization for full funding of the federal share of IDEA (40 percent). Further, NSBA urges Congress to pass two additional measures that will strengthen the federal investment in IDEA: the Funding Early Childhood Is the Right IDEA Act (H.R. 4107) and the High Cost Pools Act (H.R. 4673).

Chiefly, the federal government must begin providing the level of dedicated annual funding for students with disabilities that is commensurate not only with IDEA's vision and goals, but also with our moral commitment to these vitally important students and their families.

If reauthorization is considered—and we encourage Congress to begin the process soon—NSBA urges Congress to address the following IDEA reauthorization guiding principles: (1) High Expectations and Accountability, Not Bureaucracy, Deliver Positive Outcomes for Students with Disabilities; (2) Effectively Serving Students with Disabilities and their Families is a Shared Local, State, and Federal Financial Responsibility; (3) Positive Engagement and Collaboration with Families Helps Students with Disabilities Succeed; (4) the Success of Students with Disabilities Depends on Access to Effective Teachers and Other Education Professionals; and (5) Expanded Supports Directed at the Youngest Students with Disabilities Will Set More Learners on an Earlier Path Toward Academic and Life Success.

Higher Education Act Reauthorization

PRIORITY: NSBA urges Congress to use the Higher Education Act (HEA) reauthorization to strengthen and build the educator and school leader workforce and support other strategies to promote equity, college access, and success.

The next HEA must place a higher priority on strengthening educator preparation systems, including cultivating and supporting strong induction and other partnerships between educator preparation programs and school districts, encourage high performing students to enter the teaching profession, including a focus on preparing a new generation of special education and preschool educators. The next HEA must also encourage and support local innovation, research, and implementation of strategies designed to improve teacher and principal effectiveness consistent with the locally driven framework of ESSA that focuses on:

- Evidence-based evaluation systems that include, in part, student performance;
- Alternative certification programs that meet workforce needs;
- 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

- Locally-determined compensation and teacher and principal assignment policies.

The next HEA should also authorize new investments in dual and concurrent enrollment programs to ensure that more students—especially low-income students—have access to learning opportunities that deliver postsecondary credit and promote college access and success.

As the HEA reauthorization process continues, NSBA urges Congress to include the PREP Act in a final bill. The bipartisan Preparing and Retaining Education Professionals (PREP) Act is co-sponsored by Senators Tim Kaine (D-VA) and Susan Collins (R-ME), and would help address teacher and principal shortages, especially in rural communities. This legislation also would target the need for more teachers in special education and in STEM subject areas, including programs of study such as cybersecurity. The PREP Act also would promote partnerships with school districts to provide targeted professional development and other supports to help teachers in high-need subject areas succeed.

As the House moves toward floor consideration of its bill to reauthorize HEA—the College Affordability Act (H.R. 4674)—NSBA supports the bill’s provisions to help more students complete teacher preparatory programs, including those to expand TEACH grants, as well as those to maintain Public Service Loan Forgiveness (PSLF) for teachers.

NSBA urges Congress’ swift passage of a comprehensive measure that will alleviate the teacher shortages affecting many school districts and communities throughout the nation.

Improving the Nation’s Infrastructure

PRIORITY: As Congress and the Administration explore opportunities to improve the nation’s infrastructure, NSBA encourages the adoption of new incentives and investments focused on modernizing and building educational facilities that are designed to meet the needs of students, families, and communities.

Teaching and learning requires well designed classrooms, state-of-the-art science laboratories, high capacity broadband connectivity, and other facilities that meet students’ educational needs. Many students are forced to attend classes in failing buildings and other depleted and outdated educational infrastructure. Recent estimates place total school facility needs, including technology, at well over \$500 billion, which is beyond the capacity of many communities and states to address. Any infrastructure legislation considered by Congress should prioritize grants for schools in underserved communities, create a new school infrastructure tax-exempt bond program, promote green building design, and support digital infrastructure.

As several House and Senate Committees consider legislation to address national infrastructure needs, NSBA and many other education groups urge the inclusion of resources dedicated to our schools for both new construction, repairs, modernization, and capacity for digital learning. Legislation such as the Rebuild America’s Schools Act (H.R. 865) would provide \$100 billion to address school infrastructure needs. In addition, the Renew America’s Schools Act (S.1890) bill would authorize a \$100 million U.S. Department of Energy grant program for K-12 school districts to make eligible energy efficiency improvements to reduce energy costs. As these and other measures move forward in Congress, NSBA urges the exclusion of provisions that would expand existing federal law governing labor standards requirements and thereby preempt state and local authority over contracts and bond programs regarding school infrastructure.

Further, NSBA supports efforts to improve necessary high-speed broadband required for twenty-first century learning both within school and when students are home. As public schools explore ways to improve and modernize instruction for their students through methods such as personalized learning, the need for access to technology such as adaptive software and high-speed broadband is imperative. Schools have seen vast improvements in broadband connectivity thanks to programs such as the Schools and Libraries Program (E-Rate), a program run by the Federal Communications Commission (FCC) which gives all schools and libraries a discount to connect to the Internet.

However, there is still much work to be accomplished to improve digital equity. While many students are connected in school, many others lack connectivity when they are out of school creating a “homework gap” that leads to an unequal learning situation for many students based on income and where they live. Some school districts with high numbers of students who lack adequate Internet access are trying to deal with this problem by equipping school buses with Wi-Fi and parking them in neighborhoods with connectivity issues to provide local “hotspots” so students can access the Internet to do their homework. This matter is particularly concerning for minority students and students who live in very rural areas. But the problem persists throughout the entire nation.

NSBA is aggressively fighting a proposed rule by the FCC that could impact the progress made in better connecting schools and libraries to the Internet. We urge Congress to join the effort to stop the proposed rule, which would place a new overall cap on the Universal Service Fund (USF), which includes the E-Rate Program, and would unwisely combine the existing sub-caps on the E-Rate and Rural Health Care Programs. This rule is unnecessary since E-Rate already operates under its own budget cap. Further, it would force USF programs to potentially compete for funding, which violates the intent of Congress to provide universal access to connectivity.

Enactment of the rule would create uncertainty for school boards and districts across the nation when engaging in

their yearly budgeting process. Legislation was passed unanimously by the U.S. House of Representatives to prevent the FCC from implementing the rule and there is bipartisan support in the U.S. Senate calling on the FCC to abandon the effort. NSBA is urging the FCC and Congress to focus on ways to improve the overall connectivity and digital infrastructure for all students and abandon efforts to make connectivity more difficult.

Advancing School Safety

PRIORITY: NSBA supports congressional action to increase the funding and flexibility of grants that are provided to states and local school districts to make school safety improvements. However, as the number of deadly school violence incidents has increased, more must be done. NSBA encourages Congress and the Administration to take the necessary actions to ensure that all children have a safe and secure learning environment, including the adoption of the following recommendations included in the Federal Commission on School Safety report:

- 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, and interagency coordination.
- Federal resources for school safety are spread across many agencies; and, a comprehensive guide should be published to reference where schools can access funding opportunities and/or technical assistance for disaster preparedness and emergency response operations.
- Provide 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.
- Increase resources that focus on the social, emotional, physical, and mental health of students.

Violence of any sort has no place in American classrooms. As the nation and elected leaders grapple with potential solutions to reduce gun violence in our schools, students are rightly demanding action. All students deserve access to safe and supportive learning environments that support their opportunities to learn and are free of abuse, violence, bullying, weapons, and harmful substances.

NSBA has long encouraged local school boards to recognize that prevention, preparedness, mitigation, and emergency response and recovery plans are critical to protect the safety and health of students and employees. These plans work best when school districts have the resources they need to work in coordination with the appropriate local, state, and federal agencies, including public health officials and first responders,

and address environmental, health, and safety risks along with potential security breaches. Further, NSBA urges local school boards to continue to analyze data with regards to student discipline and engage in restorative practices to reduce suspensions and expulsions.

NSBA applauds Congress’ work to provide dedicated resources for social and emotional learning in its Fiscal Year 2020 Consolidated Appropriations Act, as well as its work to sustain investments in Title IV Part A Student Support and Academic Enrichment grants under the Every Student Succeeds Act (ESSA) that help address school safety.

In addition, NSBA urges Congress to pass legislation that will help our nation’s school districts address the epidemic of vaping among students that has impacted many communities. The Reversing the Youth Tobacco Epidemic Act (H.R. 2339) that has been reported by the House Committee on Energy and Commerce would help mitigate this crisis in our schools.

Supporting Educational Opportunity

PRIORITY: NSBA urges Congress to act swiftly to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 and restore the pathway to U.S. citizenship for qualified undocumented students previously protected by the Deferred Action for Childhood Arrivals (DACA) program.

As Congress explores legislative solutions for overall immigration reform, NSBA urges the 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. Today, our schools are educating the most diverse student population in history, providing equitable access and ensuring that all students are educated at levels no previous generation attempted to achieve. Public schools continue to make progress in helping students prepare for college, careers, and life. The nation’s immigration laws must also continue to accommodate school districts that hire international teachers for high-need subjects, foreign languages, and other shortage areas.

Supporting Efforts to Ensure an Accurate Count for the 2020 Census

PRIORITY: The United States Constitution requires the federal government to count “the whole number of persons in each state” every ten years. The U.S. Census count serves as the basic data set for enumerable federal, state, and local policies, programs, and elections. An under-count of the “persons in each state,” would result in inaccurate data on which to base important governmental apportionment and funding decisions.

NSBA urges the Administration, specifically the U.S. Department of Commerce, to refrain from policy decisions that would result in a census under-count, which could lead to potentially devastating ramifications for public educational

entities that depend on funding streams and other programs tied to Census data.

Additionally, NSBA supports the work of state and local Complete Census Count Committees that are engaged in greater outreach to students and their families. An accurate Census count this year will help ensure equitable distribution of resources for programs that are critical to student achievement, such as Title I grants for disadvantaged students, special education, Head Start expansion funds, school-based Medicaid services, and the Children's Health Insurance Program (CHIP).

Educational Choice: Supporting America's Public Schools

PRIORITY: NSBA opposes any legislation that diverts public funds from K-12 education directly through voucher programs, or indirectly through tax credits or related proposals to fund private, religious, or home school education. NSBA encourages federal lawmakers to provide greater support for the innovative programs and educational choices offered by our nation's public school districts which educate more than 50 million students each day.

The diversion of funds away from public education makes it difficult for local schools to transform and improve learning for their students, and to modernize their education through innovations such as personalized learning that can help better prepare students and give them the real-world and life skills they need to be successful. Every local school can be an incubator of positive change for their communities if they receive the support and resources required to further their mission to educate the children they serve.

Many public schools are offering student-centered innovation including personalized learning, project-based learning, career and technical education, dual enrollment, magnet and charter schools authorized by local school boards, and other programs designed to prepare students for success in the modern world and those efforts could grow with strong federal support.

However, diversion of funding away from local schools for private education harms those efforts. Federal policies and programs must be strengthened to support local magnet

schools, public military academies, and other schools that provide educational opportunities through specialized curricula and unique learning experiences in science, technology, engineering, the arts, mathematics, and other areas related to a well-rounded education.

Further, NSBA encourages Congress to include accountability measures in any use of public funds for educational purposes, including for the expansion of public charter schools.

Ensuring Student Data Privacy while Promoting Effective Data Use

PRIORITY: NSBA strongly supports policies designed to help teachers, school leaders, and administrators better use data to support instruction and decision-making.

Federal policies and programs, such as the State Longitudinal Data Systems program, should continue to support locally led efforts to more effectively use data and focus on equipping teachers and other education professionals with the knowledge and skills they need to support students and strengthen school performance. This focus must be complemented by an unwavering commitment to protecting each student's personally identifiable information.

NSBA believes it is important to provide professional development for educators and other school-based professionals to better understand how to ensure students' privacy and protect education records. We believe this increased investment in educators' privacy skills should proceed before Congress considers any additional laws and regulations.

If Congress considers changes to the Family Educational Rights and Privacy Act (FERPA) this year, NSBA supports changes that codify the important FERPA improvements made through regulatory changes in 2008 and 2011. NSBA opposes proposals to levy burdensome and counterproductive fines against non-compliant school districts that could greatly curtail needed studies and other research. Changes to FERPA should also include the aforementioned new investment in helping educators and school district leaders comply with the vast array of existing federal and state privacy requirements, including expanded support for the U.S. Department of Education's Privacy and Technical Assistance Center.

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The National School Boards Association (NSBA) is the leading advocate for public education and supports equity and excellence in public education through school board leadership. NSBA represents state school boards associations and their more than 90,000 local school board members throughout the United States.