



2019 Recess: Key Federal Policy Issues and Communication Messaging

The National School Boards Association (NSBA) recommends the following key policy issues and messaging points to assist you when you meet or communicate with your Senators and Representatives and/or their staffs over the August recess.

While this list is not exhaustive of all the important issues NSBA is advocating for at the present time, these are the primary legislative issues that lawmakers will be considering over the recess and may take immediate action upon when both houses of Congress reconvene in the fall.

The key education issues include:

Education Funding: Fiscal Year 2020 Appropriations and Budget Process

Summary—NSBA, the state school board associations, and the 90,000 school board members across the nation are committed to strong public education by advocating for necessary investments through the appropriations and budget process that will benefit public schools and public education that align with the growth of the nation. If students are going to succeed in the modern world, necessary programs and resources must be available to them. NSBA is pursuing an aggressive advocacy effort targeted to key members of Congress to bring the required education investments.

Update—There was good news for NSBA and school board members with the recent success in helping to secure passage of the House of Representatives’ Labor, Health and Human Services, Education, Defense, State, Foreign Operations, and Energy and Water Development Appropriations Act for Fiscal Year 2020 (H.R. 2740). The legislation would provide more than \$3 billion in increased investments for student achievement and educational opportunity. It would increase funding for IDEA State Grants, ESSA-Title I grants for disadvantaged students, ESSA-Title II resources for effective instruction, ESSA-Title III grants for English Language Acquisition, ESSA-Title IV programs for Student Support and Academic Enrichment, Perkins Career and Technical Education programs and apprenticeships, school safety, and social-emotional learning. The advocacy for strong funding to remain in the Senate and final version of the FY2020 appropriations bill is critical as the Senate Appropriations Committee considers the bill this September.

Moreover, one of the major hurdles to an increase in federal education appropriations for fiscal year 2020 has been cleared with the recent agreement of Congressional leaders and the White House to set higher overall budget caps and agree on raising the debt ceiling. With that potential obstacle out of the way, NSBA will be focused in the near term on urging Senate appropriators to adopt the education budget passed by the House earlier this year.

Messaging Points:

We urge Congress to keep funding levels for public education at the levels found in the recent appropriations bill passed by the U.S. House of Representatives (H.R. 2740). That legislation provides valuable assistance to public education through more than \$3 billion in increased investments that will

help drive stronger student achievement and educational opportunity. We also urge you to make sure the increased funding remains in the final legislation for IDEA State Grants; ESSA-Title I, Title II, Title III, and Title IV programs; Perkins Career and Technical Education; school safety; and social-emotional learning.

Higher Education Act Reauthorization: Addressing the Teaching Shortage Through Stronger Teacher Preparation and Recruitment to Advance Student Achievement

Summary—School board members across the nation recognize that their teachers remain the backbone of successful public education. A great teacher can bring out the best in a student and make a difference in their lives. However, teaching shortages remain in many places in the country, especially in high-need subjects, in special education, and in rural areas. Recognizing this teaching shortage, NSBA is advocating that the next reauthorization of the Higher Education Act (HEA) must do more to strengthen educator preparation and encourage high-performing students to become teachers.

Update—During the last Congress, the House Education and the Workforce Committee passed legislation to reauthorize HEA. Unfortunately, the legislation would have eliminated provisions that are essential to supporting and retaining effective educators. With the HEA reauthorization process re-starting this year, NSBA is urging the inclusion of the bipartisan Preparing and Retaining Education Professionals (PREP) Act in the HEA rewrite. U.S. Senators Tim Kaine (D-VA) and Susan Collins (R-ME), both members of the Senate Health, Education, Labor, and Pensions (HELP) Committee, introduced the legislation to address teacher and principal shortages, especially in rural communities; and, to ensure that those educators have the right skills to be effective. The PREP Act seeks to strengthen Title II and reduce educator shortages by providing incentives to attract high-performing students to the educator profession, which would help ensure educator preparation programs deliver more sophisticated training in high-need subject areas, including special education. The PREP Act would also promote partnerships with school districts to provide targeted professional development and other supports to help teachers in high-need subject areas succeed in what can be unique and challenging positions. NSBA and several partner organizations have been meeting with key Senators and their staffs to seek support of the PREP Act. Presently, it is still unclear if HEA will be acted upon following the recess; but, advocacy efforts around inclusion of the PREP Act remain a priority. NSBA has learned that U.S. Representative Bobby Scott (D-VA), who chairs the House Committee on Education and Labor, plans to work on a House version of HEA this fall. While the provisions in that legislation are not as strong around teacher preparation and recruitment, Chairman Scott is supportive of the PREP Act. Therefore, passage of the legislation in the Senate is critical to ensure that it is included in any final measure agreed to by both chambers.

Messaging Points:

The teacher shortage is a national problem impacting every school district in the nation. The PREP Act can help address the problem and strengthen the recruitment of high-performing candidates to the teaching profession. We urge members of the U.S. Senate to co-sponsor and actively support the

bipartisan PREP Act so that it is included in the Higher Education Act reauthorization; and, for the U.S. House of Representatives to include it in any final conference committee version of the legislation.

Individuals with Disabilities Education Act (IDEA): Advocating for Full Federal Funding of IDEA

Summary—NSBA is a champion of educational equity and is working to improve the well-being of every student. One of the keys to that effort is NSBA’s work to get full funding for the Individuals with Disabilities Education Act (IDEA), the law that guaranties students with disabilities have access to a free and appropriate public education. To help meet that goal and assist states and districts in addressing the financial obligation of IDEA, NSBA launched the “It’s Time for a Great IDEA” campaign, which is aimed at securing full funding and modernization of IDEA. While IDEA has been a success, it can aid even more schoolchildren with the proper support and commitment from the federal government. Unfortunately, the federal government has not lived up to its promise to assist students, families, states, and school districts in this important area of education. When originally enacted, Congress intended IDEA to receive 40 percent of the excess costs to support students from the federal government; but federal appropriations have consistently fallen well short of that number. This has left much of the financial burden to states and local school districts and forces them to use additional funds from their general education budgets to cover the special education expenses the federal government should be paying. The NSBA campaign is focused on restoring that balance. Thus far, the campaign has helped garner more than 105 co-sponsors for the IDEA Full Funding Act in the U.S. House of Representatives and U.S. Senate in just a few months (H.R. 1878 and S. 866).

The campaign is guided by five principles:

- Promote positive outcomes for students, families, teachers, and administrators through high expectations and accountability, instead of through burdensome bureaucratic procedures;
- Understand that success requires a shared financial responsibility among local, state, and federal government;
- Provide students and their families positive engagement and collaboration;
- Ensure students have access to effective teachers and special education professionals, which is essential to success; and,
- Offer the youngest students with disabilities expanded supports to place them on an earlier path toward success in academics and in life.

Update—NSBA is working diligently to support funding for specific programs in the Fiscal Year 2020 funding bills being considered by Congress for the U.S. Departments of Education, Health & Human Services, and Labor. Due in part to our efforts, the U.S. House of Representatives’ passed a measure with a \$1 billion increase proposed for IDEA Part B grants to states and districts. In its accompanying report for the appropriations bill, the House Appropriations Committee stated that it "is concerned that the

federal share of the excess cost of educating students with disabilities has declined and notes the critical role this increase will play in helping to reverse this trend," which echoes one of NSBA's key positions. We also expect the House Education and Labor Committee to consider authorizing legislation later this year--most likely the IDEA Full Funding Act--which would set Congress on a mandatory course toward reaching "full" federal funding for IDEA.

Messaging Points:

Students with disabilities deserve the same opportunity to achieve success in their learning as other students. It is of paramount importance to school board members that they are provided every opportunity to be successful. However, states and local school districts are carrying most of the financial burden. We urge you to co-sponsor and actively support the IDEA Full Funding Act (H.R. 1878 and S. 866) to increase the federal investment in students educated through IDEA. This legislation will enable the federal government to fulfill its original financial commitment to partner with states and districts to help students with disabilities and assist states and districts with valuable resources needed so all students can succeed in today's modern world.

Educational Choice: Supporting America's Public Schools

Summary—Public education requires adequate resources for instruction to improve and prepare students for success. Diverting critical funds away from public schools is a serious concern for school board members. Therefore, NSBA vigorously challenges so called "choice" schemes that drain money from public schools through voucher and similar programs. Shifting valuable resources away from public schools will weaken the nation and the opportunities available for our students to succeed. Nine out of every 10 students attend a public school. NSBA will continue to fight for those students and a strong public education system.

The use of the word "choice" by some intent on diverting funds meant for public education and privatization of it is misleading and does not accurately depict the actual circumstances of what options are available to students in public education. In fact, there are considerable educational options available for students at charter schools authorized by local school boards; 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 skills development.

Update—Working with the Massachusetts Association of School Committees and other education groups, NSBA recently worked to prevent the inclusion of provisions in the Setting Every Community Up for Retirement Enhancement (SECURE) Act, that would have expanded the use of education savings accounts and 529 plans that offer tax-advantaged investments to pay for qualified education expenses for homeschooling and private school "expenses that are in addition to tuition." NSBA is continuing to work with members of the Senate to oppose the addition of any voucher provisions as the SECURE Act moves to that legislative chamber, and in any subsequent effort to enact such provisions. NSBA also is working with the National Coalition for Public Education to oppose the continuation of the federally funded

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

Messaging Points:

Strong public education is the key to a vibrant workforce and successful economy. We urge you to support full funding and assistance for public education and oppose policies that would divert valuable funds away from public education such as voucher programs.

Immigration: Maintaining the American Dream for All Students

Summary—NSBA is committed that when every student receives a high-quality education, the entire nation benefits. Keeping with that goal, NSBA is working diligently with members of Congress from both parties to urge swift action on amending 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 (Deferred Action for Childhood Arrivals). We seek an extension of the DACA program through a measure that will provide the immediate support for continuity and reassurance that students will not be separated from their families and communities, and that their education will not be jeopardized. The nation’s immigration laws also must continue to accommodate school districts that hire international teachers for high-need subjects, world languages, and other shortage areas.

NSBA conveyed strong support for provisions addressing the DACA program in H.R. 6, the American Dream and Promise Act of 2019, which establishes a special procedure for applicants for DACA approved status. We will continue working across party lines to secure immigration laws that enable school districts to fulfill their responsibility to educate all children who reside within their boundaries, regardless of immigration status.

Update—The House of Representatives’ Judiciary Committee recently approved H.R. 2820, the Dream Act of 2019, sponsored by Rep. Lucille Roybal-Allard (D-CA). The Dream Act contains the principal provisions of the full H.R. 6 around DACA participants. It applies to participants in the DACA program that was suspended in 2017, and then resumed under a court order, to continue to process applications of eligible individuals until the courts reach a conclusion in the matter. The Committee approved the Dream Act by a vote of 19 to 10. The Dream Act would establish a “special procedure for applicants with DACA,” and states that the U.S. Secretary of Homeland Security “shall establish a streamlined procedure for aliens who have been granted DACA and who meet the requirements for renewal (under the terms of the program in effect on January 1, 2017) to apply for cancellation of removal and adjustment of status to that of an alien lawfully admitted for permanent residence on a conditional basis ...”

Messaging Points:

School board members are committed to educate every student living in our communities. We urge Congress to pass legislation for students in the DACA program so that districts can provide every student the education they need to become productive members of their communities.

Broadband Access for Schools: Protecting E-Rate and Bridging the Digital Divide

Summary—NSBA is working to secure congressional and administration support for key programs vital to school infrastructure that already exist, such as full funding for the schools and libraries universal service support program, commonly known as the E-Rate program, which is managed by the Federal Communications Commission (FCC). E-rate is a crucial program aiding schools and libraries to connect to high-speed broadband that is vital for the type of student learning required for success. It is one of four programs under the umbrella of the Universal Service Fund (USF). NSBA is advocating that the FCC maintain its funding and flexibility for school districts in the E-Rate program.

Update—The FCC has published a Notice of Proposed Rulemaking (NPRM) to establish an overall cap on the USF and a sub-cap on the E-Rate and Rural Health Care programs. The FCC is calling for comments on the proposal. The comment deadline has passed but reply comments will be accepted until August 26, 2019. NSBA and at least eight states have already made comments to the FCC.

This proposal would force the four programs funded under USF, including E-Rate, to battle each other for funds if the overall cap is reached. NSBA worked with our partners in the Education and Libraries Network Coalition (EdLiNC) to secure House language in the FCC’s fiscal year 2020 appropriation that would prevent the agency from completing the rulemaking and establishing a cap or sub-cap. We do not yet know if the Senate will adopt the language but encourage state school board associations to appeal to their senators for support of this important language that will help protect broadband in public schools and libraries.

Placing an overall cap on the universal service fund (USF) will lead to competition among the four USF programs which is contrary to the intent of Congress. The legislative goal was to provide four distinct programs, each with specific funding, not one funding pool where the four programs had to fight for funding if an overall cap was reached.

The U.S. House of Representatives expressed its strong opposition to this effort through the recent unanimous passage of House Amendment 483 to H.R. 3351, the FY2020 Financial Services and General Government Appropriations Act, which prohibits the FCC from implementing this rule. NSBA is now urging the United States Senate to take up the legislation to stop the FCC from enacting the rule to place a cap on the USF program and a sub-cap on E-Rate and Rural Healthcare. NSBA and several states submitted formal comments to the FCC; and, states are encouraged to use the reply comment period to oppose the proposed rule. States should also inform their Congressional delegations, particularly Senate offices, of the potential harm to schools and libraries and encourage support for legislative proposals to stop the effort. NSBA has previously supplied detailed messaging and instructions for formally submitting comments and reply comments to the FCC.

In addition, the FCC recently invited public comment about the future of “Category Two” of the E-rate program in a different public notice, which provides funding for internal school broadband connections, such as WiFi hotspots. The FCC asked if the agency should continue using a formula to distribute Category Two Funding. NSBA plans to work with our EdLiNC partners to urge the FCC to not only continue using the Category Two formula, but to increase the per pupil amount from \$150/student to \$250/student and to increase the base Category Two amount for small and rural applicants. Public

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comments are due no later than August 16, 2019 and Reply Comments are due on or before September 3, 2019. Additional information will be provided on this issue in the coming weeks.

Messaging Points:

We urge the Senate to take up the legislation passed unanimously by the House of Representatives (House Amendment 483 to H.R. 3351) to prevent the FCC from instituting a cap on the Universal Service Fund which will negatively impact connectivity for schools and for all members of Congress to explore ways to close the digital divide in education, which is commonly called the “Homework Gap.”