

# AASA Legislative Advocacy Overview

## Elementary and Secondary Education Act (ESEA)

- AASA urges the Department to exercise its authority to provide school districts across the nation with direct, targeted regulatory relief before the start of the 2011-12 school year. Specifically, we advocate for a freezing of sanctions at the 2010-11 school year level. We oppose any conditional waivers or forcing schools to adopt education reform policies in exchange for regulatory relief.
- AASA strongly supports ongoing efforts to reauthorize ESEA. Complete reauthorization is the best way to fully address the areas of the legislation that need improvement.
- AASA believes that improvement of ESEA requires an accountability system that is transparent; uses multiple sources of evidence and a growth measure; is fair to all students; and calls for federal authority that is commensurate with federal funding. AASA supports support a differentiated federal accountability system that is focused on useful interventions with strong LEA involvement and linked to the amount of federal assistance a school is receiving.
- AASA supports the use of formative assessments to inform instruction and provide timely and instructionally useful information to teachers and principals to directly improve student achievement.
- AASA support HR 2445, the State and Local Funding Flexibility Act.
- AASA endorses the Formula Fairness Campaign and supports the All Children Are Equal (ACE) Act, both of which advocate for distributing all Title I dollars to LEAs based on the concentration of students in poverty.

## IDEA

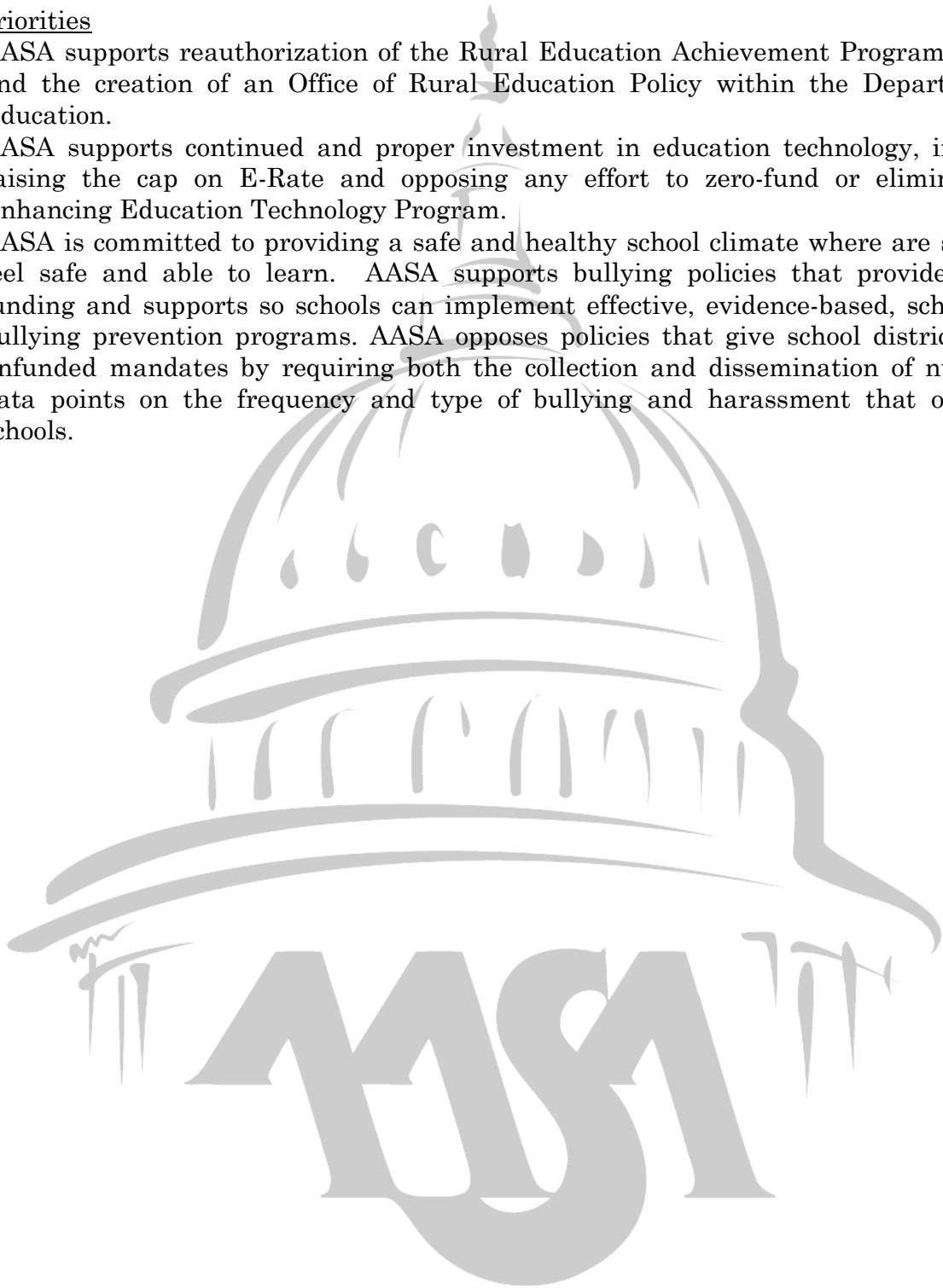
- AASA advocates for full funding of IDEA and urges Congress to meet its chronically underfunded commitment to provide 40 percent of the additional costs associated with educating children with special needs.
- AASA supports a legislative fix that would allow LEAs to seek a direct waiver from the Department of Education to reduce their maintenance of effort for special education and related services due to “exceptional or uncontrollable circumstances.”

## Budget & Appropriations

- AASA believes that federal FY12 appropriations levels should safeguard education programs and recognize education as the investment that it is. While all programs should have some ‘skin in the game’ in tight economic times, education has a proven return on investment and is a key step toward building a competitive workforce.
- AASA puts funding priority on existing federal commitments that drive dollars to all schools, especially Title I and IDEA. AASA opposes funding of new competitive grants and believes that dollars proposed for Race to the Top, School Improvement Grants and Investing in Innovation should instead be directed to programs that serve all schools, instead of those who have the capacity to apply.
- AASA opposes absolute spending caps. An absolute spending cap overlooks the realities of ever-growing programs like Medicare and Social Security. Even if growth is somehow slowed, there is still growth, leaving an ever-smaller slice for discretionary programs (like education). The last time federal spending met the proposed spending cap levels was in 1966, *before* ESEA, IDEA, Medicaid and Medicare.

### Other Priorities

- AASA supports reauthorization of the Rural Education Achievement Program (REAP) and the creation of an Office of Rural Education Policy within the Department of Education.
- AASA supports continued and proper investment in education technology, including raising the cap on E-Rate and opposing any effort to zero-fund or eliminate the Enhancing Education Technology Program.
- AASA is committed to providing a safe and healthy school climate where are students feel safe and able to learn. AASA supports bullying policies that provide federal funding and supports so schools can implement effective, evidence-based, school-wide bullying prevention programs. AASA opposes policies that give school districts more unfunded mandates by requiring both the collection and dissemination of numerous data points on the frequency and type of bullying and harassment that occurs in schools.



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## ESEA Reauthorization

**As has been the case for the last two years, while there is consensus that NCLB needs revision, there is not consensus about what revisions should be made or how reauthorization should proceed.** While both chambers have made progress in terms of bipartisan discussions and held hearings, the House and Senate are taking very different approaches to reauthorization. The Senate remains committed to a complete reauthorization, though the initial timeline of Memorial Day has been adjusted several times, and the latest projection is for language before the August recess. The big question at this point is how 'comprehensive' the Senate proposal will be; it is becoming increasingly likely that the initial bill will be more of a skeleton and many of the discussions and hot topics will be addressed through amendments. Amendments beg further questions: What items are included in the amendments? How much support do they have—are they agreed to and how bipartisan is the support?

The House has moved forward with its piecemeal approach. Under the leadership of Chairman Kline (R-MN), the House Education and the Workforce Committee effort on ESEA mirrors the House-wide sentiment of a smaller role in government. Instead of one large, comprehensive bill, Mr. Kline is moving ESEA in pieces. To date, three pieces have been introduced to, and two passed out of, committee.

The House Committee passed HR 1891, a proposal that would eliminate 42 programs was ESEA, under the guise of streamlining programs and reducing both redundancy and the role of government. AASA did not weigh in on the bill, but was concerned by at least two of the programs that would be eliminated: Enhancing Education Through Technology (E2T2 or Title II Part D) and the Safe and Drug Free Schools program. The House Committee also passed HR 2218, a bill that makes changes to the charter school provisions within ESEA. AASA opposed the bill, in large part due to the varying treatment the bill would provide to charter schools.

AASA supports public school choice and charter schools that operate under the governance of local public school boards. We believe that there should be a level playing field, including non-discriminatory and unconditional enrollment for all children. Further, the same regulations and accountability should apply to all schools receiving public funding. The manner in which charter schools are financed must be addressed so that their creation does not have an adverse effect on the quality of existing public schools. HR 2218 would afford charter schools flexibilities not available to traditional public schools while imposing a lower level of accountability and transparency in evaluating charter school effectiveness. AASA opposed the legislation at the time of the vote, and hopes for legislative fixes before the bill goes to the full floor.

The third piece (HR 2445) is the State and Local Funding Flexibility Act. Under this proposal, LEAs would have total flexibility to move dollars within and between most programs and titles within ESEA. Money would flow from the federal government to the states and locals as it currently does. SEAs would have the same level of flexibility but only for the federal funds that normally reside at the state level. All funding that would normally go to the local level would flow to the LEA untouched, and all decisions as to how an LEA's share of ESEA dollars are allocated would be made at the local level. Further, LEAs would be able to move ESEA dollars into Section 613f of IDEA (early intervening services). Reporting requirements stay in

place for all titles, providing the accountability necessary for prudent state/federal oversight. AASA supports this piece of legislation. Looking to the fall, it is anticipated that the House will also move ESEA pieces related to quality teachers and accountability.

**ESEA has been in the process of being reauthorized for more than three years. In that time, many education groups argued that ESEA should be refocused, reframed and renamed to supplement the improvement of educational outcomes for low income and minority students:**

### **Key Issues in Reauthorization**

- **Accountability:** AASA and nearly all other education groups agree that improvement of ESEA requires an accountability system that is transparent; uses multiple sources of evidence and a growth measure; is fair to all students; and calls for federal authority that is commensurate with federal funding. AASA strongly supports continued disaggregation among all subgroups. Some civil rights groups and disability groups strongly support the current accountability language.
- **Standards:** The 1994 reauthorization of ESEA required states to establish content and performance standards as a condition of receiving funds from Title I of ESEA. NCLB reinforced and strengthened the requirements in Reading and Language Arts and Math. There is a consensus that the state standards need to be fewer, clearer and more rigorous. The National Governors Association and the Council of Chief State School Officers have created a new set of core standards that are internationally benchmarked and fewer and clearer and more than 40 states have agreed to implement the core standards. AASA urges that the new standards not be made federal in this reauthorization.
- **Assessment:** Most scholars and educators and their organizations, including AASA, would like to move beyond the current generation of once a year tests that are a snapshot in time and scores are not reported until a student is in the next grade level. Instead AASA would support the use of formative assessments to encourage the use of assessments to directly improve student achievement.
- **Special Learners:** AASA agrees with the majority of educators that the progress of special education students would be more accurately measured using multiple measures including tests developed for students with disabilities, and that the progress of English language learners should be measured in a language they understand, with appropriate assessments based on proficiency level.
- **Teachers:** AASA believes that states should define highly qualified teachers and should provide incentives for special education and for general education teachers in hard to staff urban schools and in rural isolated schools. AASA supports the notion of federal funding to supplement teacher's salaries in hard to staff schools. We urge Congress to utilize the collective experience of districts, consortia of districts, and education service agencies when it comes to training prospective teachers and providing high quality professional development.
- **Serving the total child:** A clear consensus among the education groups and human service groups is a new emphasis on addressing the non-school factors that are barriers

to academic success. AASA is supportive of these efforts given the wide range of programs that they run to meet the needs of the total child.

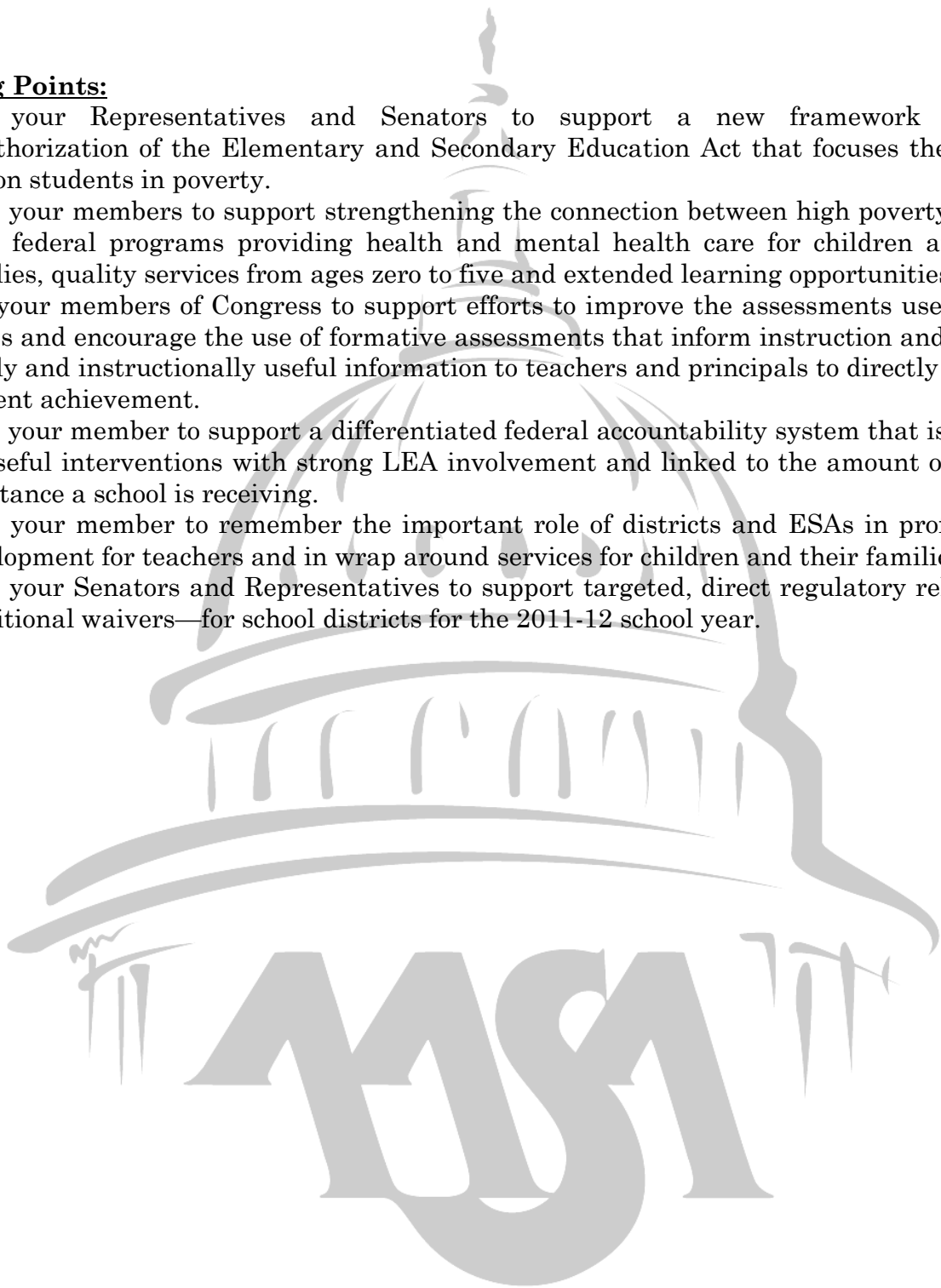
- **Early Childhood Education:** Support for children in their first five years of life, including social intervention and full funding for and alignment of Head Start to public education are widely supported ideas. The Obama administration has strongly supported state efforts to increase access to and the quality of early childhood programs, including the Early Childhood Challenge grants, a program to assist states with early childhood efforts.
- **Health:** The health programs that are in other agencies are not well tied to the development and well being that contribute to the educational progress of low-income students. The needed services and supports include continued Medicaid reimbursements for school-based administrative and transportation claims; a health care system focused on low-income families, including prenatal care and school-based, school-linked and community health clinics; and federal funding and access to mental health care and dental care.
- **Formula vs. Competitive:** The Administration, through both its Blueprint for Reauthorization and FY11 and FY12 Budget Proposals, proposed a significant change in policy, with a notable increase in the proportion of federal dollars that would move to school districts through competitive grants, not formula programs. Competitive grants put certain districts—especially small, rural districts, those lacking the administrative capacity, and/or ESAs who may not be included in the state definition of LEA and may therefore not be eligible to compete—at a disadvantage for securing funds.

**Regulatory Relief:** Though the administration and Congress continue to stress the importance of complete reauthorization, the political likelihood of reauthorization prior to the 2011-12 school year is slim to none. Given that more than 80 percent of the nation's schools will be labeled as 'failing' in the 2011-12 school year, there is recognition that something needs to be done to provide the nation's schools some sort of relief from current law's broken accountability system. AASA has long referenced that some form of regulatory relief could help alleviate this pressure, though the position has been met with claims that the relief would take the pressure off of reauthorization. AASA joined forces with the National School Boards Association to issue a joint resolution calling for direct, targeted regulatory relief (not conditional waivers) that would freeze AYP sanctions at 2010-11 school year levels. Freezing sanctions maintains a level of accountability while avoiding the calamity of pushing the number of schools labeled as 'failing' over 80 percent. The resolution was met with strong, wide spread support, with more than 1,100 individuals from all 50 states signing on.

The push for direct regulatory relief is even more important, given the administration's interest in providing relief, but only in exchange for schools adopting their education reform policy priorities. AASA is strongly concerned by the conditional, quid-pro-quo nature of these waivers, especially since the reforms would come without any additional funding. Further, the two issues at hand are reauthorization and regulatory relief. The policy priorities being pushed by the administration have a place within the discussions of reauthorization, and pushing them to LEAs through the waivers sidesteps the very important democratic process of reauthorization. Even more importantly, much of the burden from current law stems from current regulations, meaning that relief is as simple as revising or repealing certain regulations, not further complicating the situation with waivers.

**Talking Points:**

1. Ask your Representatives and Senators to support a new framework for the reauthorization of the Elementary and Secondary Education Act that focuses the federal role on students in poverty.
2. Urge your members to support strengthening the connection between high poverty schools and federal programs providing health and mental health care for children and their families, quality services from ages zero to five and extended learning opportunities.
3. Ask your members of Congress to support efforts to improve the assessments used by the states and encourage the use of formative assessments that inform instruction and provide timely and instructionally useful information to teachers and principals to directly improve student achievement.
4. Urge your member to support a differentiated federal accountability system that is focused on useful interventions with strong LEA involvement and linked to the amount of federal assistance a school is receiving.
5. Urge your member to remember the important role of districts and ESAs in professional development for teachers and in wrap around services for children and their families.
6. Urge your Senators and Representatives to support targeted, direct regulatory relief—not conditional waivers—for school districts for the 2011-12 school year.



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