



August 10, 2011

Secretary Arne Duncan
US. Department of Education
400 Maryland Avenue SW
Washington DC 20202

Dear Secretary Duncan,

Nearly three months ago, the American Association of School Administrators and the National School Boards Association joined forces to issue a resolution calling for targeted regulatory relief for the nation's schools before the start of the 2011-12 school year, which has already started in some states. Countless individuals and school districts have adopted the resolution and are looking for Congress or the Department to take action to provide relief from a four year past-due law.

In light of this week's communications from the Department of Education about providing relief to school districts (via conditional waivers) in exchange for adopting policy priorities, AASA and NSBA wanted to share our very clear resolution and reiterate our commitment to straight, targeted regulatory relief for the upcoming school year. We also want to express our concerns with the quid-pro-quo approach being proposed by the administration.

Everyone agrees that No Child Left Behind Act(NCLB), the current authorization of the Elementary and Secondary Education Act (ESEA) is long overdue for reauthorization and that reauthorization is behind schedule if it is to be completed this year. AASA and NSBA appreciate your recognition that certain ESEA regulations are cumbersome, burdensome and not working well, and that the nation's public school systems deserve some relief until Congress can complete its reauthorization efforts.

AASA and NSBA agree with the three areas proposed for conditional regulatory relief within your plan—the 2014 timeline, the 100% proficiency requirement, and highly qualified teacher regulations—but do not support the conditional nature of the waivers. State and local education agencies are not at all responsible for reauthorizing the federal statute, and as such should not have to jump through hoops to get relief from specific provisions widely recognized as broken and in need of improvement. We find the conditional nature of the waivers counterintuitive to the promise about getting relief to the nation's schools, and believe that our proposal is a much more direct and efficient way of both providing schools relief and keeping the pressure on Congress to finish their reauthorization work.

Under the Department's proposal, states would have to adopt all three policy priorities: higher education standards, differentiated accountability systems, and teacher/principal evaluation model. These policy priorities have their own merits and warrant consideration within the democratic process of reauthorization discussions. With researchers questioning not only the use of achievement tests for evaluations but also the use of multiple

measures/sources of evidence of growth in the NCLB differentiated accountability model and that states own the standards and the department has no ability to judge how high their standards are, we question the research support for these policy priorities. Further, given that we don't see non-Race to the Top applying/winning states adopting these changes, we don't see these ideas fleshed out in ESEA reauthorization language to date and the completely unfunded nature of these conditional waivers, we find the administration's focus to be more on policy priorities rather than on providing actual relief.

The types of changes required by the administration require fiscal, personnel and political capital that may be impossible for some states to pull together. More specifically, we are concerned about the implications for local districts, particularly in states that either choose not to apply or are denied waivers. Some states may not apply for the cost reasons listed above, while still others may not apply in opposition to what they see as an unfunded expansion of federal power in to education. Regardless, how are the local education agencies in these states—as well as any states that apply and may not receive their waiver—supposed to pursue relief? Recent conversations with Department staff indicated that the focus was at the state level. Mr. Secretary, the focus may be at the state level, but the law is implemented—and the students educated—at the local level.

Lastly, we point to the recent announcement that the state of Idaho was granted permission to modify its state accountability workbook and freeze its annual proficiency targets in reading and math at the same level for three years. While this is not a waiver, it is the exact relief that AASA and NSBA have been advocating, and we believe it represents the most direct, efficient way to get relief to schools. We urge the Department to consider granting universal modifications to state accountability workbooks. This is a simple modification, not a waiver (as the Department itself is clear in articulating) and is authorized within ESEA statute. Under current law, annual proficiency targets can be frozen for up to three years.

In closing, Mr. Secretary, AASA and NSBA urge the Department to act quickly in a manner that matches its own promise around providing relief to the nation's schools. Instead of requiring resource-strapped states to jump through hoops for relief from a law they cannot reauthorize themselves, the Department should consider a course of action consistent with the modifications provided to the state of Idaho. We welcome the opportunity to talk further about this high priority.

Sincerely,



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American Association of School Administrators



Anne L. Bryant
Executive Director
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About AASA: The American Association of School Administrators, founded in 1865, is the professional organization for more than 13,000 educational leaders in the United States and throughout the world. AASA's mission is to support and develop effective school system leaders who are dedicated to the highest quality public education for all children. For more information, visit www.aasa.org.

About NSBA: Founded in 1940, the National School Boards Association (NSBA) is a not-for-profit organization representing state associations of school boards and their more than 90,000 local school board members throughout the U.S. Working with and through our state associations, NSBA advocates for equity and excellence in public education through school board leadership. Online: www.nsba.org