

2023 AASA Legislative Agenda

Drafted by the Executive Committee January 2023



Mission Statement

AASA, The School Superintendents Association, advocates for equitable access for all students to the highest quality public education and develops and supports school system leaders.

Noelle Ellerson Ng nellerson@aasa.org

Sasha Pudelski spudelski@aasa.org

Tara Thomas tthomas@aasa.org

The guiding principles for federal education policy stem from equity and the important role the federal government stands to play in creating equitable learning opportunities for all students:

- Privatization of public education funding undermines our nation’s public school system, denies equitable educational opportunities and represents failed federal policy.
- Equity in federal policy includes both policy and resources, both of which should remain available to all students, schools and states.
- The role of the federal government in education is to help ensure access to equitable educational opportunities and to supplement and support, rather than dictate, local efforts in education.
- Equitable learning opportunities for students require federal, state and local resources and policy that encourage and fund future-focused public schools.
- Formula funding and policy should support the total child, from physical and mental health to the development of fundamental lifelong learning skills.
- Federal education funding must be protected and preserved and not cut for other federal priorities. Further, federal investment in education must be a priority within budget conversations.
- Federal education policy should support additional federal funding to provide mental health services for students, staff and families.
- Federal resources, both funding and policy, should supplement and support high-need students and communities to address equity.
- AASA supports equitable federal funding mechanisms, including key federal programs like Title I and IDEA, as well as a robust conversation to revise and strengthen the efficacy of poverty indicators within federal education programs.
- Federal education policy must address the educator shortage and acknowledge that schools need a pipeline of high-quality educators to operate, function and provide equitable education to students including support for existing and innovative instructional models.

Recovering from the COVID-19 Pandemic to Ensure Appropriate Federal Support for Local Leadership

Federal support for schools in response to the COVID pandemic must include:

- A continued fiscal investment designed to flexibly allow local education leaders to make the decisions and implement the plans necessary for pandemic recovery efforts. This should be a blend of education stabilization funding as well as investment in key categorical programs, including Title I and IDEA.
- Flexibility for state and local education agencies to expand, revise and modify their ESSER plans to best address student learning needs.
- The long-term impacts of the pandemic on students necessitate additional federal funding for districts to ensure the continuity of personnel and programs funded through the American Rescue Plan that are essential to students’ academic recovery, safety and well-being.
- Any effort to support schools is dependent upon the availability of personnel. Federal policy must support local education agencies with their educator and staffing needs.

Ensure an Appropriate Federal/State/Local Balance

- The role of the federal government is to support and strengthen—not dictate and prescribe to—the nation’s schools, and state and local policies.
- Federal mandates must be fully funded with federal dollars.
- Ensure all entities receiving public dollars are subject to the same transparency, reporting, flexibility and accountability requirements.
- AASA opposes the redirection of federal and state tax dollars in the form of tax credits to private schools.

Support Students, Families and Special Populations

- Fully Fund IDEA: By honoring its commitment to support the education of students with disabilities, Congress will enable districts to shift dollars toward new initiatives that address their local needs.
- Ensure IDEA burden of proof is on the moving party and not automatically the district.
- Support universal school meals on the contingency that such policies do no harm to eligibility for and enrollment in existing federal funding streams serving schools, and fully cover costs associated with the program.
- Address special education disproportionality more effectively and flexibly.
- 504 requirements must remain distinct from IDEA requirements and AASA opposes any efforts to place new, burdensome, unfunded mandates on districts to adopt new procedural requirements under Section 504.
- Support school leaders in their work to keep students and school personnel safe and healthy, as regionally appropriate.
- Support federal funding that helps incentivize community partnerships for school safety.
- Prioritize efforts to improve federal policies that threaten or compromise the safety and well-being of students and staff.
- Support preservation and expansion of access to affordable early college education, including expanded control over the requirements and awarding of educator credentials.
- Support federal policy that flexibly supports the unique needs of rural communities, including REAP, Impact Aid and forest counties, and mental health services among others.
- Support expansion of access to early education to all children without cutting into K-12 funding.
- Make available federal funding to ensure high-quality, early education opportunities for all children (including Head Start, Pre-K, early education, professional development for personnel and more) with ample flexibility for local authority in implementation.
- Support the DREAM act as a permanent resolution and fix to address the needs of eligible/appropriate students and young adults brought to this country as minors who are currently eligible for the Deferred Action for Childhood Arrivals (DACA) program.
- Support out-of-school/after school learning opportunities (including 21st century-like programs) which focus on ensuring district flexibility for program design and implementation.
- Support the reinstatement of the 2001 Title IX Guidance to ensure each and every student has a safe and healthy learning environment.
- Support programs that assist and develop students entering and completing college and post-secondary programs.
- Approaches to student discipline must be centered on positive, research-based best practices.
- Support federal policy that would prohibit discrimination on the basis of sexual orientation and gender identity, including transgender students.
- Support continued investment for English language learners.

Ensure Support for School Personnel

- Strengthen efforts to enhance grant and loan forgiveness programs for all educators and school personnel to minimize the cost of higher education required for a high-quality and diverse education workforce.
- Exempt substitute teachers and other variable hour employees from coverage under the Affordable Care Act.
- Ensure licensing and certification requirements for school nutrition workers are a state responsibility.
- Ensure all licensing and certification requirements for high school teachers are flexible enough to support work in dual enrollment programs particularly in rural areas.
- Support increased flexibility to states in granting teacher/educator certification to hard-to-staff positions, including special education.
- Provide school districts with immediate access to all relevant student data, including academic, social, emotional, criminal and behavioral.
- Reduce and simplify the paperwork and application requirements for E-Rate.
- Streamline IDEA procedures by permitting parents and school personnel to opt-out of processes and paperwork related to IEPs to allow more time for teaching and learning.
- Support the preservation and expansion of resources for future and current teachers to address the teacher shortage issue.
- Ensure flexibility of Pell grants to be available for students regardless of age or current school enrollment.

Strengthen District Operations

- Champion federal funding for building and rebuilding schools including QZABs, BABs and QSCBs, with a priority for standalone, formula-driven federal funding for school facilities.
- Ensure data collection requirements, burdensome regulations and new guidance and policies issued by the U.S. Department of Education must be examined in the context of what is statutorily required of districts and with consideration of current federal, state and local education funding levels.
- The federal government must take action to address the specific shortages of bus drivers and other pupil transportation service providers. Such policies could include: Delay of Entry-Level Driver Training (ELDT rule); allowing for third party administration of the skills and knowledge tests; creating an entry level CDL in school transportation; and, a one-year exemption to social security earning limitation.
- In expanding and delivering early education, ensure public schools are a core partner in all stages of planning, implementation and evaluation, including improving continuity to elementary level.
- Reform the special education due process system to provide more effective, less costly and less litigious means of resolving disputes.
- Ensure districts have greater flexibility to reduce local maintenance of effort levels for IDEA if the provision and quality of services for students with disabilities is unaffected.
- Ensure the IDEA burden of proof is on the moving party and not automatically the district.
- Preserve the current financing structure of Medicaid and ensure eligible mental health services in schools are reimbursable under Medicaid.
- Streamline the Medicaid reimbursement system to ensure districts of all sizes can participate in the Medicaid program.
- Establish reasonable parameters around requests for an Independent Education Evaluation.
- Provide reimbursement to schools when federal food service requirements result in loss of revenue.
- Refrain from increasing the administrative burden related to school nutrition programs.
- Oppose new or additional private rights of action.
- Oppose additional mandates on districts related to seclusion and restraint.
- Simplify and amend competitive grant application processes to ensure all districts are notified of opportunities and capable of applying.

- Oppose proposed changes to the ‘white collar’ exemption of the overtime regulation. Ensure the U.S. Department of Labor holds meetings with the regulated community to obtain input on the potential impact of any changes to the overtime exemption requirements.

Support Students through Appropriate Curriculum, Learning Experiences and Assessments

- Maintain local control for districts to provide evidence based, culturally responsive, developmentally appropriate curriculum, learning experiences and assessments to all students.
- Approach state-led accountability with an emphasis on capacity-building, not punishment.
- Use tests for the purposes for which they were designed: One test cannot serve multiple measures (i.e., student achievement, accountability and/or teacher evaluation).
- Support state and local education agency efforts to annually review, revise and resubmit accountability plans to better reflect the realities of implementation and meeting goals.
- Support federal government efforts to approve state plans that build on and exercise flexibilities returned to state and local levels via underlying statute.
- Support and fund resources for apprenticeships, internships and career development.
- Support varied district efforts to address and mitigate learning loss rather than mandate a one-size-fits-all approach.
- AASA supports a waiver to allow states to identify an alternative measure for federal accountability systems.
- Accountability should be informed by the least intrusive assessments that measure growth and can inform instructional practices in real-time that are valid and reliable.

Enhance District Technology Infrastructure and Student Data Privacy

- Support flexibility of federal resources to ensure equitable access to affordable broadband, to better support student connectivity both in and out of school.
- Support federal policy to ensure continued funding for the Emergency Connectivity Fund and efforts related to a sustained response to the Homework Gap. Such efforts to connect students with internet access out of school address the existing need that reached critical levels when schools pivoted to remote learning.
- Ensure any federal response to cybersecurity threats be comprehensive and cross-agency, and adequately funded. Oppose any effort to redirect E-Rate funding as initial/primary cybersecurity response.
- Permanently exempt E-Rate from the Anti-Deficiency Act.
- Oppose any cap of funding on the Universal Services Fund.
- Support efforts to ensure equitable access to affordable connectivity at home and at school.
- Support reauthorization of FERPA to include clear and updated language aligned with existing laws and regulations that schools are following.
- Provide coherent and easy-to-understand guidance for parents and educators regarding FERPA, PPRA and COPPA, and their protections of the privacy and security of student data.
- Update definitions to address the realities of the digital age, making it possible to protect data while ensuring appropriate use of student data for legitimate educational needs and reforms.
- Secure joint guidance from the U.S. Depts. of Health and Human Services and Education regarding overlap of HIPAA and FERPA laws.
- Ensure funding to support school districts in ongoing efforts to respond to cybersecurity threats.
- Data collected for and around education and students is multi-faceted and multi-functional. Federal policy addressing student data privacy cannot inhibit district access to data for student learning, safety, and well-being and district operations.