

2021 AASA Legislative Agenda

Adopted by AASA Executive Committee, January 2021

Ratified by AASA Governing Board, February 2021



Noelle Ellerson Ng nellerson@aasa.org

Sasha Pudelski spudelski@aasa.org

Chris Rogers crogers@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.
- It is unrealistic to expect all students to achieve college and career readiness without providing districts the necessary funding to do this challenging work.
- 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.

Responding to 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 significant fiscal investment designed to flexibly allow local education leaders to make the decisions and implement the plans necessary to safely open and operate schools for students and staff. This should be a blend of education stabilization funding as well as investment in key categorical programs, including Title I and IDEA.
- A high bar for states asking to waive their maintenance of effort requirement coupled with a need to ensure any maintenance of effort flexibility for states is similarly available for districts.
- Flexibility to state and local education agencies to suspend, reduce and/or redesign assessment and accountability.
- An explicit investment of \$12 billion to address the Homework Gap, funding administered to and through the E-Rate program to support schools in their work to connect students to the internet.
- Flexibility for state and local education agencies to expand, revise and modify their school/academic calendars to best address learning loss. At the local level this could include, but is not limited to, extended day, broader access to summer learning, expanded integration of online learning, and year-round school, among others.
- An extension of liability protections that are afforded to employers to public schools.
- Clarification that federal aid can be used to cover staffing absences necessary to keep students and other staff safe.
- Any effort to reopen schools during the pandemic is dependent upon the availability of personnel. Federal efforts to support local education agencies with their teacher and staffing needs must include:

- Increased annual investment in Title II of ESSA, which is critical to ongoing educator development and training needs to ensure educators have the professional knowledge to adjust their teaching to changing learning environments predicated by the pandemic.
- Establishing a commission to address the long-standing teacher shortage exacerbated by the pandemic.
- Support efforts addressing student learning loss through deployment of support teachers and tutors.
- A joint commission led by the U.S. Depts. of Education and Health and Human Services should be formed to detail how to locate, connect with and educate the millions of children who have not attended school since March 2020 and how to leverage resources available in both agencies for these purposes.
- The Centers for Medicare and Medicaid should actively engage district stakeholders in updating technical assistance and guidance that will enable every district to access Medicaid reimbursement for much needed critical mental health services for children.
- A prioritization of vaccine access for school personnel and support for district-led vaccination distribution to students.

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.
- Support equitable distribution of federal dollars with greater investments in formula-driven programs.
- Ensure IEP teams shape assessment determinations for students with disabilities.
- Address special education disproportionality more effectively and flexibly.
- 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 that supports high-quality, early education opportunities (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.

Strengthen Support for School Personnel

- 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.
- Provide school districts 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

- Ensure new 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.
- 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 nutrition eligibility verification.
- Oppose new or additional private rights of action.

- Oppose additional mandates on districts related to seclusion and restraint.
- Examine the requirements of Perkins V to encourage equitable access for all students and lessen the burdensome paperwork and administrative reporting, compliance and costs which discourages many districts of all sizes from accessing the funds.

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.

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 address the Homework Gap and efforts to connect students with internet access out of school, an existing need that reached critical levels when schools pivoted to remote learning. Priority must be given to moving through existing programs, such as E-Rate.
- Support an infrastructure package to include funding for broadband to provide community connectivity separate from and in addition to E-Rate
- Permanently exempt E-Rate from the Anti-Deficiency Act.
- Oppose any cap of funding on the Universal Services Fund.
- Support efforts to expand and 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 and breaches, including technology, training, and updates to infrastructure.