June 10, 2011 – Today, the American Association of School Administrators and National School Boards Association released the following statement in response to recent opposition to the joint AASA/NSBA resolution calling for ESEA regulatory relief for the 2011-12 school year.

“Everyone agrees NCLB is long overdue for reauthorization and that reauthorization is behind schedule if it is to be completed this year. AASA and NSBA made a bold proposal for regulatory changes if ESEA is not reauthorized. Bold proposals usually stir discussion, and opposition. We welcome debate on the need for revised regulations if ESEA is not reauthorized.”

“NCLB was a sea change in public education policy, directing authority away from local school districts and toward the federal government. The regulations for NCLB magnified the shift to federal authority, expanding the federal role in critical education decisions that were historically under local control: who should be teaching, what is to be learned, how much is to be learned, how learning will be measured, and how failure to hit learning targets would be treated. Overly prescriptive federal regulations were developed because the US Department of Education could not have a presence in all of school districts, and regulations provided a vehicle for both prescribing exactly what was to be done and putting the state educational agencies in charge of implementation.”

“The joint AASA /NSBA resolution asks that these very ESEA regulations—cumbersome, burdensome, and not working well—be changed to make the implementation of law more effective and efficient. That said, our joint resolution is not a call for blanket regulatory relief from all regulations. Not all of the regulations need to be changed and, in fact, only a small portion need immediate action. AASA and NSBA echo the sentiment of Chiefs for Change, agreeing that blanket waivers are terrible policy and would simply make a bad situation worse.”

“Our joint resolution calls for regulatory relief to suspend sanctions under the current law’s AYP mechanism. Improved accountability for student outcomes is an important advancement in leading schools and school systems. AASA and NSBA want the new ESEA to improve accountability so success and problems are more accurately described and improvements are more likely to succeed. School administrators and schools boards have no qualms about being accountable for the federal funds they receive and demonstrating what works and what needs improvement in their districts. The disaggregation of accountability data examining smaller groups of students to insure that minority and low income children, students with disabilities and students who do not speak English are making adequate yearly progress is applauded by administrators and school boards as one of the strengths of the law. Unfortunately, regulations that ratchet the bar for adequate yearly progress up every year to a point where 100% of students are expected to get a high score on a challenging test subverted accountability to a point where, according to Secretary Duncan, more than eighty percent of the nation’s schools will be labeled as failing in the upcoming school year and even more the next year. There is wide recognition that, as much as schools can always make an improvement, there is no way that our nation’s public schools are that underperforming.”

“There is consensus that the accountability structures need to be improved in the ESEA reauthorization. In fact, AASA and NSBA both prefer complete reauthorization over regulatory relief. Unfortunately, the likelihood of reauthorization
prior to the school year is slim to none. The nation’s public schools should not be held hostage to a broken law, three years past due for reauthorization, and put in a position that requires further diversion of federal funds.”

“A specific example of suspended sanctions through regulatory relief relates to Supplemental Education Services (SES). Current law requires LEAs not making AYP to set aside 20 percent of their Title I funds to provide SES/choice, encouraging parents to choose supplemental services or move their children to other schools. These regulations have floundered since the beginning: parents didn’t want to move children and SES turned out to be unpopular, not useful, or not feasible in many cases. Most egregiously, the regulations held that LEAs should set aside the dollars—not available for any other district need—even if parents failed to use SES/choice. The billions of dollars held for SES/choice simply sat in the bank, not available for instruction or parental engagement. Especially in these financially distressed times as school budgets continue to be cut in response to the cessation of ARRA and EduJobs dollars and the continued effect of the recession on state/local budgets, investing these funds in Title I schools will better serve the educational needs of students than continuing the poor experience with the current choice/SES mandates.”

“Regulatory relief around sanctions and SES/choice would both make the law more functional as schools wait for reauthorization and make a larger portion of federal dollars available for their original intent: helping improve achievement for low-income and minority students.”

“We question the wisdom of maintaining questionable or unworkable regulations over critical education decisions. States and school districts provide 92 percent of education funding, and are therefore entitled—and should be expected—to control critical educational decisions for local school districts. Conversely, seeing as the federal government provides a mere 8 percent of all funding for K-12 public education, we question why state officials would support maintaining dysfunctional regulations and seek waivers—targeted or otherwise—when the underlying regulations are the problem.”

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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