

**National School Boards Association**



**A New Era in Education:**  
**Redefining the Federal Role for the 21<sup>st</sup> Century**

*Office of Advocacy and Issues Management*  
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# A New Era in Education: Redefining the Federal Role for the 21<sup>st</sup> Century

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*“Education, then beyond all other devices of human origin, is the great equalizer of the conditions of man, the balance-wheel of the social machinery.”*

*--Horace Mann*

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Americans have always valued education and recognized its importance in opening the doors of opportunity to a better life for themselves and their children. Our nation’s success on multiple fronts, from our economy to the functioning of our democratic society, is undeniably linked to the quality of the education provided to our citizens by our public schools. Today’s world of rapid changes, technological advances and global competitiveness create new challenges on our schools. A modern day paraphrasing of Mann’s quote might well read: education is the great necessity.

This is not the first time America’s educational system has been challenged. Debates over who should be educated, to what degree, and at whose expense mark our history and at times ripped at the very moral fiber of our nation. Yet, in those previous challenges, America responded by expanding educational opportunity to more of its citizens. Our schools, reflective of our society, are at a crossroads again.

The 21<sup>st</sup> century economy creates an urgent demand that our schools provide a high quality education for every student so that they may succeed in life and our country may remain globally competitive.

However, educating our children within that framework must remain a principal function of state and local communities, where the ownership and the commitment for student success are most prominent. The federal government has a limited, but important, role to play. In recent years, that role has taken an unhealthy and unproductive “top-down approach.”

With the arrival of a new President and new Congress, coupled with enormous economic challenges, the National School Boards Association (NSBA) recommends an immediate comprehensive re-evaluation of the appropriate federal role in making America’s schools work for our students and the country, and offers the following recommendations.

## **The Role of the President**

No person in America has a larger megaphone or can command the attention of the nation more than President Barack Obama. NSBA believes President Obama must continue to make strengthening our nation’s schools a major priority and compellingly convey to the American people the urgency to work on accomplishing the task and what it will take to do so.

The President should lay out a national vision for education that addresses:

- The correlation between strong schools in every community and the nation’s long-term success;
- The need for continuous improvement to keep ahead of the rapidly changing times;

- The role that parents, community-based and faith-based groups, and business leaders must play in strengthening our schools; and,
- How a transformation of the federal role will enable states and local communities to improve public education.

However, that national vision cannot convey nor equate to national mandates or directives. And the details of this national vision should emanate from discussions with stakeholders both inside and outside of Washington. That vision must reflect the understanding of current authority and Constitutional responsibilities of states, and re-define the role of the federal government so that it promotes national policies within a framework that supports states and local communities. This must include sufficient flexibility in their operations to effectively and efficiently address the unique challenges of their local communities.

Questions that should drive the discussion include:

- 1) What skills, knowledge and tools will our students need to be successful in the 21<sup>st</sup> century economy? What does such an education look like?
- 2) What do our public schools need to provide students with those skills, knowledge and tools?
- 3) How will schools, stakeholders and the public know that students are achieving success?

Therefore, NSBA recommends that President Obama, in conjunction with key Congressional leaders convene a series of “town meetings” or mini-summits across the country. While all voices should be heard, this process should not serve as a forum only for federal policymakers and “think tanks” with single interests that would impose one-size-fits-all recommendations on every community. Rather, this approach should directly engage those with the primary responsibility in providing a quality education as well as those who have the greatest stake in its outcome: students, teachers, principals, parents, school board members, local superintendents, state superintendents, employers, and postsecondary education leaders.

These discussions can help define what a 21<sup>st</sup> century education must look like and foster the necessary buy-in of the stakeholders who will be charged with carrying out the task. Special attention must be given to involve state and local leaders who are elected by the public and have responsibility for public education. Additionally, these key stakeholders should review the current framework for funding public education in the nation and develop recommendations for: 1) improvements in the revenue streams for education; and 2) greater efficiencies in the use of federal, state, and local dollars targeted to public education. The result of these deliberations should be a Report of Findings and Recommendations within 100 days that would assess the current and emerging challenges and establish improving our public education as a top priority.

### **The President’s Team for Education**

NSBA applauds the selection of Secretary of Education Arne Duncan. He has demonstrated his expertise and effectiveness in managing and leading school districts; in classroom instruction; in addressing the challenges facing America’s public schools; and, in successfully leading initiatives with demonstrated and significant increases in student achievement.

Additionally, NSBA is pleased that President Obama has expressed his commitment to education as a national priority in his recommended FY 2010 budget to Congress. America does not need to wait for a national crisis in the development of our workforce before providing the urgent funding that is needed now.

## The Role of the Federal Government

Clearly the new role of the federal government must acknowledge the fact that the efforts over the previous decade to employ a “top-down approach” have not worked. The new role must be one of partnership and support to the states not only in terms of funding for those with the greatest needs (e.g. poverty, disability, English Language Learners, etc.), but also in serving as a clearinghouse to share and promote ideas and best practices regarding actions needed to overcome shortfalls in student achievement. A potential theme for a new federal role might be “facilitate, don’t dictate.”

The new role must provide support to states and local school boards in the development of evaluation tools to identify what is needed for college and workforce success, to facilitate innovation, and to be a true measure of academic success. The federal government must challenge and inspire educators—with an emphasis on creating constructive remedies, adequate funding, and locally-developed strategies rather than simply punishing and discouraging schools or students when they fall short. The new federal role must act to strengthen the local voice not muffle it.

Most importantly for local school boards, the federal government must recognize the importance of local school district governance to promote democracy and civic engagement so that citizens, including the school boards they elect, have a meaningful opportunity to be enfranchised in the direction of their community schools and to ensure their schools are meeting their values, priorities, and needs.

Pending the transition to this new federal role in leading the national effort to define and develop a consensus on a 21<sup>st</sup> century education based on data, there are certain key areas in which the federal government must immediately re-direct its emphasis and involvement:

### *The Federal Investment*

The current federal support to states and local school districts to close the achievement gap, particularly for those challenged by poverty, disabilities and the lack of English proficiency is noteworthy, and must be strengthened to reflect the increased number of students currently enrolled in our schools, and the significant increase in costs in delivering the educational services that are needed. Passage of the *American Recovery and Reinvestment Act of 2009* (ARRA) will offer a significant step toward achieving this goal. Additionally, the federal government should eliminate poorly conceived federal mandates and requirements and fully fund key federal laws such as the *Elementary and Secondary Education Act* (ESEA), and the *Individuals with Disabilities Education Act* (IDEA).

### *State Standards not Federal or National Standards*

The federal government should play a supportive role to the states in the raising of state academic standards that reflect the elements of a 21<sup>st</sup> century education, but should not be involved in the actual development of those standards. The federal government should provide technical support to states, if requested, to identify the essential skills that students should have to compete successfully in college and in the global workforce; and to develop and assess those state standards. The federal government must recognize that states and local communities have needs that must be addressed, and that a “one-size-fits-all” approach will not work. Therefore, the federal government must not promote federal or national standards.

### *State Multiple-Assessment Systems*

The federal government must increase its financial support to states for the development of state assessments that are valid, reliable and measure students as individuals. Further, the use of locally-developed assessments, including observational standards, should be considered as part of a multiple assessment system that is applied

to any federal accountability framework. The federal government should not develop national high-stakes tests for state and local accountability purposes.

#### *Effective Accountability Systems*

The federal government must shift its current emphasis of accountability away from penalties and sanctions to one of increased technical support, incentives and federal investments. Accountability models need to recognize that students come from different environments, have different support bases and learn at different rates. For this reason, a federal accountability framework should recognize the importance of student academic growth, not just static scoring. Further, federal accountability determinations should not be based solely on high-stakes tests. Clearly, accountability for states, school districts, schools and students must be measured differently, and the federal government should be able to provide technical assistance to the states in determining the specific measures.

#### *21<sup>st</sup> Century Teaching and Learning Environments*

There are several ways the federal government can assist state and district efforts to create and sustain a 21<sup>st</sup> century classroom. For example, it can:

- Provide incentives in partnership with the states to help districts recruit and retain highly effective teachers and fill gaps in hard-to-staff schools and high-need schools, including incentives to support locally-designed performance pay programs;
- Provide research, best practices and information, and technical assistance that is easily accessible and geared for use by local educators and policymakers;
- Support efforts to develop and expand instructional practices, including such emerging approaches as Universal Design for Learning (UDL), through teacher preparation programs to enable teachers to be successful in teaching 21<sup>st</sup> century skills and inspiring our evolving student population;
- Support state efforts to establish 21<sup>st</sup> century standards, including identifying the skills and uses of information students will need; as well as new opportunities for early education programs, proficiency in foreign languages, world geography, math, science and technology;
- Support efforts to raise expectations and close the achievement gap while raising the achievement of all students through such approaches as alternate schedules and non-traditional public school structures such as distance learning and other proven methods of instruction; and,
- Support efforts to ensure students will be prepared to succeed in a globally competitive society and everyday 21<sup>st</sup> century life through the development of their cognitive and analytical skills, their application of knowledge, and their attitudes toward education and lifelong learning.

#### *Coordination and Streamlining of Comprehensive Services for Children*

While federal agencies continue to increase their efforts to effectively address the needs of families in poverty (e.g. housing, health, protective, etc.), there is a critical desire for increased efficiency of services. The federal government must re-direct and strengthen its efforts to ensure better coordination and collaboration among federal agencies that serve the needs of students in poverty. All too often, students who are shortchanged in education also are shortchanged in other aspects of their lives and can benefit from improved services in those areas that would complement schools' ongoing efforts to raise achievement. Therefore the federal government should provide incentives for more effective and efficient collaboration and coordination among those federal, state and local agencies that serve the unique needs of students in poverty. Additionally, improving the quality of education for students in poverty should entail the engagement of communities, parents and students in their education if we are to close the achievement gap.

## Initial Legislative Priorities for the 111<sup>th</sup> Congress

NSBA expects Congress to direct much of its initial attention toward strengthening the economy which must include a specific focus on public education. However, given the unique challenges currently facing the nation, and the potential delay in the reauthorization of the *Elementary and Secondary Education Act* (ESEA), NSBA recommends the immediate suspension of costly or burdensome sanctions against schools and local school districts, and the adoption of technical amendments needed to address accountability flaws under the *No Child Left Behind* (NCLB) Act.

Additionally, although there will be key legislative issues affecting education during the 111<sup>th</sup> Congress, members must also direct their attention to several priority issues involving current legislation:

- Reauthorization of the *Elementary and Secondary Education Act* (ESEA), to amend NCLB so the program or any subsequent accountability program is free from the policy and operational flaws contained in current law, and to amend the narrow, high-stakes testing approach and instead support state and local efforts to provide a 21<sup>st</sup> century education to all students that includes higher-order, critical thinking and problem-solving skills;
- Reauthorization of the *Individuals with Disabilities Education Act* (IDEA), to provide for policy changes to address emerging issues associated with students with disabilities;
- Federal funding to meet the needs of all eligible Title I students; make good on Congress' promise to fund 40 percent of the cost of IDEA services; support early childhood education programs at the state and local level; permanently protect the E-rate program; and assist state and school district efforts to attract and retain effective teachers with an emphasis on hard-to-staff schools and high-need subjects; and,
- Ending of federal funding of school vouchers.

More detailed recommendations on these legislative issues can be found in the following pages.



## Fix the No Child Left Behind (NCLB) Act/ Elementary and Secondary Education Act (ESEA)

School boards expect the new Administration and Congress to “hit the ground running” in revamping the *No Child Left Behind (NCLB) Act/Elementary and Secondary Education Act (ESEA)* and correcting its many flaws. Prolonged inaction would be a disservice to students, parents, teachers and taxpayers.

The next iteration of this major federal law should reflect an appropriate federal role. That is, one which provides discretion and flexibility for the effective education of students to the level of government actually responsible for delivering it: local school districts. K-12 education is a state and local responsibility and the appropriate federal role should be one that assists those entities in providing all students with the education that will serve them well in their post-secondary/workplace careers of the 21<sup>st</sup> Century. It should provide an accountability system that is based on achievable goals and comprises a true measure of student learning, and recognizes justifiable adjustments for local conditions.

More specifically and regardless of what the new law is called when enacted, it must:

- Inspire expectations in student achievement that are high and attainable and will be reinforced by an accountability system that constructively supports those outcomes;
- Provide states and districts with greater overall flexibility to make educationally sound decisions, and be free of mandates that unnecessarily or counterproductively hinder school districts from achieving their goals;
- Ensure high-quality, valid and reliable assessments for all students, especially for

English language learners and students with disabilities;

- Use multiple measures of academic achievement that will more accurately determine students’ knowledge and performance that reflect the kind of well-rounded education necessary to be successful in the 21<sup>st</sup> Century economy, as opposed to judging success on their performance on a single assessment;
- Permit the use of growth models and other measures of student achievement that more accurately reflect student and school performance;
- Facilitate strategic interventions that are designed at the local or state level and are targeted to students and schools most in need, rather than impose ineffective and costly sanctions; and,
- Be fully funded, along with other federal assistance programs that are critical to achieving the new law’s goals.



## Increase Federal Funding for Education

The top federal funding priorities for school boards are Title I grants for disadvantaged students, which is the principal source of funding for *No Child Left Behind* (NCLB) *Elementary and Secondary Education Act* (ESEA), and grants to fund special education under Part B of the *Individuals With Disabilities Education Act* (IDEA). Funding for these programs—and for education overall—has not kept pace with the educational needs that those programs are designed to meet, the amount that the federal government promised to provide, or the rising costs and rising expectations of students' performance associated with the mandates of those programs. Also, the magnitude of the recession on state and local budgets for education has reduced funding in many school districts.

In February, Congress passed the *American Recovery & Reinvestment Act* (ARRA) as an economic stimulus to help mitigate the effects of state and local budget shortfalls for essential services, including education. The economic stimulus will provide targeted funding for key education programs, such as Title I and special education, as well as funding to help restore state budgets for elementary and secondary education.

Without the ARRA's targeted investments in key education programs, federal funding would remain far below the levels Congress authorized for each program. For example, the cumulative federal shortfall for Title I from FY 2002 – FY 2007 totaled more than \$43 billion. For IDEA, the federal government has never come close to fulfilling its promise to pay 40 percent of the average per pupil excess costs for special education. Without the ARRA two-year investment of a \$12.2 billion increase for IDEA, federal funding would remain at approximately 18 percent of the total costs for this federally required program.

Accountability is a two-way street. When the federal government demands more of schools and students, as it has, sufficient funding to help school districts and states fulfill goals for innovative education programs, student achievement and global competitiveness needs to be consistently appropriated. Passing federal shortfalls in funding for these priorities to local and state taxpayers should not be a norm.

We believe the administration and Congress should:

- Increase Title I grants for disadvantaged students by at least \$2.5 billion annually;
- Increase IDEA grants for special education by at least \$2.5 billion annually; and
- Fulfill federal promises to fund other important and mandated education programs.

In considering these recommendations, it is important to remember that federal funding for K-12 programs accounts for approximately 1.5 percent of the entire federal budget. Therefore, reasonable increases recommended for education would amount to a small fraction of 1 percent of total federal spending. As states and localities face the faltering economy, the federal government has appropriated additional resources to help reduce the fiscal challenges for education. And, in sufficiently funding Title I and IDEA for future appropriations and education priorities, it should not have to reallocate funds from the general education program in order to meet the requirements of federal mandates.

## Support 21<sup>st</sup> Century Skills

Our nation's global competitiveness and democracy rest squarely on a strong education system. The continued success of this system requires ongoing support and investment at all levels. In order for students to gain the skills and knowledge they need to be successful citizens in the 21<sup>st</sup> century, school districts must: 1) be able to provide a rigorous curriculum that is integrated with modern technologies and tools; 2) provide an education program that includes the uses

of knowledge and cognitive development at levels that meet the realities and standards of a competitive global economy and emerging everyday life; and, 3) present a strategic focus on math, science, and foreign languages that are necessary in a global economy that increasingly will require competency in these areas. The federal government can play a critical role in helping shape our nation's economic future by supporting districts in these efforts.

For example, the federal government should:

- Provide flexibility in federal laws to enable school districts to teach students the higher-order, critical thinking skills that are important for the 21<sup>st</sup> century workplace;
- Invest in research and innovations and disseminate best practices, including identifying the skills and uses of knowledge that students will need to possess to succeed in the 21<sup>st</sup> century workplace, such as cognitive skills, problem solving abilities, creative and analytical thinking, teamwork and communications skills, intellectual curiosity, and a commitment to lifelong learning.
- Invest in making broadband Internet access available to all schools, including E-rate related services;
- Invest in professional development to enable teachers to adequately teach 21<sup>st</sup> century learning, as well as to effectively use technology resources in the classroom; and,
- Provide incentives to help states and districts fill teacher shortages in high-need subject areas vital to our future economy, such as math and science.

While the federal government should play an assisting role in offering support to build local and state capacity that furthers districts' efforts to provide students with a 21<sup>st</sup> century education, it should *not* engage in setting national academic standards or compliance requirements that hinder districts' work.

## Invest in Early Childhood Education

School board members recognize the critical role that quality early childhood education plays in preparing children for success in school and in life, and believe strongly in the need for an increased federal investment in this area. Unfortunately, the United States has relatively low enrollment and invests fewer public resources in preschool programs than other developed countries.<sup>1</sup> Currently, many families do not have access to public preschool programs and are limited in terms of the quality of program they can afford. In order to ensure that our children are prepared to succeed in and adapt to an ever-changing world, we must ensure that they have a strong foundation on which to build.

The federal government can assist states and local districts by:

- Increasing federal funding to support Head Start programs for disadvantaged students in order to help close the achievement gap between low-income children and their more affluent peers;
- Create a new federal grant program that will increase funding over the next five years to develop, expand, and sustain voluntary quality preschool programs for all three- and four-year olds;
- Devote specific resources to helping school districts develop and implement joint training and professional development programs for PK-3 instructors to help ensure a more seamless transition between preschool, kindergarten, and the elementary grades; and,
- Provide tools and incentives to replicate effective models and improve program quality.

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<sup>1</sup> For example, Belgium, France, and Italy offer universal, voluntary, and free programs for preschool children 3-6 and enroll 95 percent of this age cohort.

## Protect Medicaid Reimbursement for Schools

Under federal law, school districts are eligible for reimbursement from Medicaid for the costs of certain administrative activities and transportation services delivered to children with disabilities from low-income families. The Bush Administration issued regulations intended to halt these reimbursements, but Congress rejected those efforts with a series of temporary moratoriums on their implementation. School boards believe the federal government should *not* pursue cutting these important reimbursements to school districts, and are seeking a permanent withdrawal of those regulations.

We believe the federal government should ensure that school districts continue to receive Medicaid reimbursements for providing critical services to children with disabilities from low-income families for these reasons:

- Ending the reimbursements would cost school districts \$3.6 billion over five years. As a result, districts might be forced to cut education services or replace lost Medicaid dollars with additional state or local taxpayer dollars - which are stretched thin;
- The federal government already is woefully behind in its commitment to fund special education. Ending Medicaid reimbursements would exacerbate that shortfall and make it even more difficult for school districts to provide needed services to children with disabilities; and,
- Reimbursements cover health services delivered to eligible children and the transportation costs of providing such services. They also cover administrative activities such as outreach for enrollment and monitoring of medical care for children with disabilities.

While some advocates of cutting reimbursements have cited faulty billing practices by some school districts, the problems mentioned in these outdated reports are no longer prevalent as those districts have made the needed corrections. Additionally, the federal agency which oversees the program acknowledges that schools are uniquely positioned to enroll eligible children in Medicaid and to provide access to available benefits.

## Oppose Private School Vouchers

School vouchers are education tax dollars that typically are diverted from public schools to help subsidize the tuition of private and religious school students. While a few states and cities have limited voucher programs, the only federally funded one is an expiring pilot program in Washington, D.C.

School boards believe vouchers and tuition tax credits are poor public policy for numerous reasons, including these:

- Vouchers divert attention, commitment and dollars from our public schools to pay private school tuition for a few students, including many already in private school;
- Vouchers eliminate public accountability – private voucher schools do not face NCLB or state accountability standards, do not make achievement and budget information public, and do not have to accept all students. Existing programs have been plagued by scandal;
- Vouchers are no way to raise student achievement – A GAO report on Cleveland and Milwaukee’s voucher programs found no overall difference in achievement between voucher students and public school peers, as have two years of a federal evaluation of the Washington, D.C. program;
- Vouchers waste money by forcing all taxpayers to support two school systems: one public and one private. Existing private school students are often eligible, creating a new cost to taxpayers;
- Vouchers leave behind many students, including those with the greatest needs;
- Vouchers give choices to private schools, not parents – private schools decide if they want to accept vouchers, can limit available seats, can maintain admissions standards, and can dismiss students at any time. Milwaukee’s program is known for being a revolving door with many students dismissed; and,
- The voters have rejected vouchers and tuition tax credits by enormous margins 11 out of 11 times. Utah voters were the most recent, repealing a universal voucher program 62 percent – 38 percent in 2007.

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