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February 10, 2015

The Honorable John Kline  
Chairman  
Committee on Education and the  
Workforce  
United States House of Representatives  
2181 Rayburn House Office Building  
Washington, DC 20515

The Honorable Robert C. "Bobby" Scott  
Senior Democratic Member  
Committee on Education and the  
Workforce  
United States House of Representatives  
2101 Rayburn House Office Building  
Washington, DC 20515

**Our Mission**  
Working with and  
Through our State  
Associations, NSBA  
Advocates for Equity  
and Excellence in  
Public Education  
through School Board  
Leadership

**Re:** *National School Boards Association Comments on the Mark-up of the  
Student Success Act (H.R. 5)*

**Office of Advocacy**

Anne M. Byrne  
President

Dear Chairman Kline and Senior Democratic Member Scott:

Thomas J. Gentzel  
Executive Director

The National School Boards Association (NSBA), representing more than 90,000 local school board members across the nation, working with and through our state school boards associations, is pleased with the Committee's commitment to shepherd this bill through the legislative process. School board members from across the country are deeply committed to a comprehensive, strategic modernization of the Elementary and Secondary Education Act (ESEA), to provide school districts the flexibility they need to respond to the educational challenges in their local communities.

Lucy Gettman  
Deputy Associate Executive  
Director

Tomorrow's legislative mark-up of H.R. 5 is just the beginning of a critically important process to ultimately send to the President for his signature a modernized federal law that fully supports local and community leadership as the cornerstone of public education in the United States.

NSBA applauds the overarching goal of H.R. 5 to modernize ESEA for local school districts, and we are particularly supportive of the bill's thrust to restore governance to school districts. In this regard, NSBA enthusiastically supports Section 6528 of H.R. 5, which limits the Department of Education's budgetary and regulatory authority over school districts. This critically important section of H.R. 5 prevents, among other inappropriate levels of federal intrusion, the issuance of regulations or non-regulatory guidance without first consulting with local stakeholders and fairly addressing their concerns. As you know, local governance affirms community ownership of our public schools by strengthening the role and responsibility of school board members working with parents and guardians to promote the success of our nation's public school students.

Additionally, NSBA supports other provisions of H.R. 5 that further seek to improve and update the more than thirteen-year-old law, including the elimination of adequate yearly progress, as well as sanctions and their unintended, yet significant consequences. We are in favor of the bill's support for growth models, and the bill's support for states and school districts to improve low-performing schools. Notwithstanding a number of positive, badly needed improvements H.R. 5 makes to the antiquated and punitive No Child Left Behind Act, NSBA has some concerns regarding the legislation in its current form, two of which are highlighted below.

## Funding Caps

H.R. 5 authorizes level funding for Title I for each of the fiscal years 2016-2021, which is essentially a retreat from the federal commitment to financially support public education. NSBA maintains that a modernized ESEA must be supported by adequate and sustained federal investments in Title I. Roughly 90 percent of the 14,000 school districts across the nation require federal investments to support intervention, screening, tutoring and more. In addition to flat funding, H.R. 5 includes language to eliminate state maintenance of effort (MOE) requirements. The elimination of MOE lowers states' incentives to maintain their investment in education at a time when our public schools need financial support more than ever from both states and the federal government.

## Charter Schools and Private Vouchers

NSBA supports charter schools authorized by local school boards for the communities in which the charter operates. NSBA has concerns with the charter school provisions in the bill. We support innovative school choice within the public schools where flexibility does not trump accountability, and where oversight happens through community representatives: School board members. NSBA is opposed to authorizing the use of public dollars for private education; therefore, NSBA opposes any amendments offered at tomorrow's mark-up to authorize private vouchers, or tuition tax credits. Additionally, NSBA has concerns regarding Title I portability provisions, which could impact resources between Title I schools and non-Title I schools.

Tomorrow's legislative mark-up is an historic, first step in a comprehensive process to modernize our nation's elementary and secondary education law. Going forward, NSBA will continue to work with you and other representatives in the House, as well as the Senate, to ensure a modern ESEA provides our public school students with the highest quality education they deserve. To this end, we applaud your commitment to modernize ESEA in the 114<sup>th</sup> Congress and thank you for your leadership.

Sincerely,



Thomas J. Gentzel  
Executive Director, NSBA