

January 2017

Dear President-Elect Trump,

As you begin to think more deeply about your policies and priorities for improving the education of students in the United States, AASA, The School Superintendents Association stands ready to work with you and your Secretaries to ensure the 13,000 school districts we represent and the children they educate are well-served by your Administration. Throughout our more than 150 years, AASA has advocated for the highest quality public education for all students, and provided programming to develop and support school system leaders. AASA members advance the goals of public education and champion children's causes in their districts and nationwide.

Given that less than 10 percent of our budgets are derived from federal dollars, we strongly support increased local control over education decisions. We championed the recently enacted Every Student Succeeds Act for many specific reasons, but most generally for taking the pendulum of federal overreach and prescription rampant under No Child Left Behind and swinging it firmly back to state and local control. AASA believes there is a critical role for the federal government in improving K-12 education, but that role is meant to strengthen and support our public schools, not dictate to them. We write to delineate the policy areas in which we believe the Trump Administration can do just that: support and strengthen our public schools. The following outlines our sincere suggestions for areas where we think your administration's leadership is most important.

Provide states and school districts with flexibility to implement ESSA

State and local education agencies are deeply involved in efforts to implement the Every Student Succeeds Act (ESSA). As regulations, guidance and technical assistance designed to support implementation have been released by the Obama administration, certain proposals have run counter to the spirit and intent of the underlying statute and act to undermine the state and local flexibility intended by law makers. One of the best examples of this is within the proposed regulations for the law's Title I 'Supplement, Not Supplant' (SNS) provisions. Title I was designed to be a flexible program, giving school districts and schools latitude to spend Title I funds on a broad array of educational services as long as they are consistent with the program's purposes. The SNS rule as it is currently drafted substantially limits how school districts and schools may allocate resources, restricting and even undermining the ways in which Title I can support at-risk students. The proposal glosses over the realities of school finance, the reality of how and when funds are allocated, the extent to which districts do or do not have complete flexibility, the patterns of teacher sorting and hiring, and the likelihood that many students would experience the rule, as drafted, in a way that undermines intentional, evidence-based efforts aimed at increasing education equity. The proposal will restrict—rather than support—the ways in which state and local resources can be used to most effectively and equitably support at-risk students.

What you can do: We believe that a simple path the administration could follow in supporting state and local flexibility is to default to the underlying statute (which includes a test auditors could use) and refrain from additional unnecessary prescription.

Reduce the administrative burden on districts

Increases each year in the amount of data requested by the Obama Administration has become the norm for school leaders. This surge in data collection has been particularly difficult for small, rural school districts to meet. The Department of Education's Office of Civil Rights has been particularly to blame for the uptick in data collection through changes made to the Civil Rights Data Collection. In its last iteration for the 2015-2016 school year, the Department increased data collection by 17 percent. Prior to the Obama Administration, the data was not required to be collected by all districts. In particular, smaller districts were exempt from participating in the collection every two years given the enormous burden it imposed. The Obama Administration chose to remove this exemption and require every district to submit data regardless of the size of district or burden this imposed.

What you can do: We believe a simple and meaningful change your administration could make is to reduce the data points collected by the Civil Rights Data Collection to the most critical items necessary for monitoring compliance with the Title IV and VI of the Civil Rights Act. Further, the Department could return to the practice of the Bush Administration and revert to the traditional sampling procedures (stratification, estimation, etc.) that were used previously to survey districts for compliance. Further, require an internal audit of all data that is collected by the U.S. Department of Education in every division of the Department and ensure this data is legislatively mandated, non-duplicative and utilized in a manner that could benefit K12 students. Specifically, request that Department personnel whether any current data collection is focused on answering the question 'Should we be collecting this data?'

Undo financially destructive regulations and absolve unfunded mandates

Since its inception in 1975, IDEA has protected students with disabilities by ensuring access to a free appropriate public education. At the time the statute was enacted, Congress promised to pay 40 percent of the National Average per Pupil Expenditure. While special education funding has received significant increases over the past 15 years, including a one-time infusion of funds included in the American Recovery and Reinvestment Act, federal funding has leveled off recently and has even been cut. The closest the federal government has come to reaching its 40 percent commitment through annual appropriations was 18 percent in 2005. The chronic underfunding of IDEA by the federal government places an additional funding burden on states and local school districts to pay for needed services. This often means using local budget dollars to cover the federal shortfall, shortchanging other school programs that students with disabilities often also benefit from.

To exacerbate special education funding shortfalls, on December 12, 2016, the Obama Administration issued a new IDEA regulation that would have profound financial implications for districts. This regulation attempts to re-write the statute of IDEA pertaining to findings of significant racial and ethnic disproportionality in special education. While AASA believes this aspect of the statute is critically important, we think that the Administration has misinterpreted what the statute says and allows the Department of Education to amend it in ways that are not legally sound. In particular, USED will require states to impose a specific methodology to determine what districts have significant racial and ethnic disproportionality. If the Department's estimate is to be believed, between 300 and 500 million dollars allocated to districts to provide direct services to students with disabilities would have to be utilized differently.

What you can do: In your first budget as President, address this unfunded mandate and pledge to work with Congress and OMB to create a path towards fully funding IDEA. If that can't be accomplished, support changes to IDEA that would allow districts flexibility in reducing their local investment in special education if they can find more efficient ways of serving students with disabilities. Given the underfunding of IDEA discussed above,

we ask that you rescind the regulation immediately and urge Congress to take up the reauthorization of IDEA to address significant racial and ethnic disproportionality in special education.

Support rural school leaders and students

Rural school districts were not well-served by the Obama Administration. The dissemination of hundreds of millions of dollars through competitive programs like Race-To-The-Top and the Investing in Innovation led to few rural districts receiving any assistance during a significant economic downturn. Furthermore, the increased administrative burden documented below, exacerbated by cuts in federal funding proved to be a double hit for rural school districts. While the Rural Education Achievement Program (REAP) was preserved under the Obama Administration they did propose setting aside an unspecified amount of REAP dollars to provide competitive grants to innovative rural districts. The REAP program is a critical formula funding source for rural communities because it levels the playing field for small and high-poverty rural districts.

What you can do: Support federal policy that flexibly supports the unique needs of rural communities, including REAP, Impact Aid, and Forest Counties, among others. REAP, in particular, helps districts overcome the additional costs associated with their geographic isolation, smaller number of students, higher transportation and employee benefit costs, and increased poverty. Funding REAP helps offset the impact of formula cuts and competitive dollars for small rural districts. Oppose attempts to distribute federal funding through competition, which inherently disadvantages rural districts who lack the resources and personnel to compete for funding. Create an Office of Rural Education Policy within the Department of Education to ensure that rural schools and communities are appropriately supported by the Department and considered in any discussion of new or existing education policies.

Ensure Higher Education regulations don't burden local school districts

On October 12, 2016, the Department of Education released final regulations regarding the evaluation of teacher preparation programs. These regulations require principals and school administrators to complete surveys and track and disseminate student outcomes for teachers in their schools who have graduated from a state teacher preparation program within the last three years. Besides adding an unprecedented and unfunded new burden to LEAs in the guise of improving teacher preparation programs regulated by the Higher Education Act this creates an unhealthy incentive to send graduating teachers to schools where students will do the best and may only exacerbate the current teacher shortage prevalent across the U.S. It could also create problems with the privacy and use of student data and new demands for data sharing across K12 and higher education institutions that are not technically realistic in some states.

What you can do: Reverse these regulations, and support a reauthorized Higher Education Act that does not place unnecessary burdens on the K-12 school system.

Avoid unnecessary environmental regulations

The Obama administration has made efforts to regulate school building materials, despite evidence that such regulations would not provide great enough benefit to justify the cost burden. Specifically, a rule will likely be proposed to require school and day care facilities to remove any florescent light ballast containing polychlorinated biphenyls (PCBs), flame retardant chemicals used until they were banned in 1979. Few schools still contain light ballasts with these chemicals, and most of those that do have already scheduled their removal.

What you can do: Do not continue with this or other similar regulations. Please be sure to consult with AASA and other similar groups before imposing regulations that would cause great cost burdens on already struggling school systems.

Rebuild America's schools

A strong K-12 public school infrastructure is essential if we hope to be globally competitive. Teachers cannot teach and students cannot be expected to learn in school facilities that are physically unsafe, or that lack functioning bathrooms or appropriate heating and cooling systems. Unfortunately, this is the state of too many of our school buildings across the U.S. According to the 2016 State of Our Schools Report, from FY1994-FY2013, school districts and states spent an average annually of \$46 billion on utilities, operations, maintenance, and repair from their operating budgets; an average of \$12 billion per year on interest on long term debt—mostly for school construction bonds; and about \$50 billion per year for capital construction from their capital budgets for new construction, facilities alterations, system and component renewals, and reducing the accumulation of deferred maintenance. The National Council on School facilities estimates that the nation's districts need to spend about \$77 billion annually to modernize school buildings.

What you can do: Ensure your infrastructure plan addresses the infrastructure needs of school districts.

Align the K12 education system with skills demanded in workplaces

Last Congress, the House passed legislation to modernize the Carl D. Perkins Career and Technical Education Act. The Senate was unable to act last fall despite a vote of 405-5 in the House to pass the bill. The federal government's most significant K-12 investment is in career and technical education. Yet, in some places there remains a disconnect between the education students receive in high school and their employment options. We must address this gap by passing a comprehensive reauthorization of the Perkins CTE Act that will strengthen the bonds between business/industry and K12 districts and higher education institutions. School leaders must have data that informs them about what major employers are moving in/out of states and how our high schools can help them meet their workforce needs. We also need to invest more in CTE at the federal level. Under the Obama Administration, Perkins CTE funding fell by 13%.

What you can do: Recommend greater funding for Carl D Perkins CTE to ensure school districts have the equipment, curriculum and appropriate personnel to offer the courses students need. Urge both chambers to work together to pass a bipartisan CTE reauthorization bill that continues the trend of reducing the federal footprint in K12 education policy.

Support and strengthen school lunch and breakfast programs

The National School Lunch Act was first implemented in 1946 to ensure students had access to at least one healthy meal per day. It was designed as a fully federally funded program. The 2010 Healthy Hunger Free Kids Act ushered in a dramatic change in how school food services are provided. The strict meal standards have posed a financial and practical burden on many districts throughout the country. The new legislation offered a 6¢ per meal increase, though estimates have shown that the new standards increased costs by 35¢ per meal. While AASA would not support a full repeal of these standards, as much great work has been done to improve the provision of healthy meals, we do support tweaking the most problematic standards to provide relief to those districts having the most trouble meeting the new standards.

What you can do: Support legislation that provides common-sense changes to the nutrition standards, so schools can focus on feeding their students. Support legislation that increases the federal investment in school lunch and breakfast programs.

Support public education

While it's clear that your Administration would like to prioritize expanding private school vouchers, in any and all forms, to students we urge you to consider the practical and financial implications of redirecting current federal K12 funding away from the public school system that must serve all students. There are currently 50.4 million students that attend public elementary and secondary schools in the United States. Even if vouchers were adopted widely as you propose, public education would remain our primary system; in states with voucher systems, most students would continue to attend public schools. Moreover, voucher programs are an ineffective and damaging education policy. Study after study has shown that private school vouchers do not improve student achievement or provide greater opportunities for the low-income students they purport to serve. Private voucher schools do not provide the same rights and protections to students as public schools, such as those in Titles VI and IX of the Civil Rights Act, the Individuals with Disabilities Education Act, Title II of the Americans with Disabilities Act, and the Every Student Succeeds Act. Private school voucher programs do not offer real choice as most state-voucher systems allow private schools to reject students with vouchers for a variety of reasons, ranging from disability, disciplinary history, English proficiency to ability to pay. Private school vouchers also do not save taxpayer money. In voucher programs, the public schools from which students leave for private voucher schools are spread throughout a school district. The reduction in students from each public school, therefore, is usually negligible and does not decrease operating costs of those public schools. That is one of the reasons why some voucher programs have resulted in multi-million dollar deficits and tax increases. To the extent that non-public schools would have access to federal dollars, all entities receiving public dollars must face the same transparency, reporting and accountability requirements.

As President it is incumbent that you ensure all students have access to quality public schools and that in a broader conversation of school choice, the focus is on ensuring that the nation's public schools remain a high-quality and viable option for all families.

What you can do: Ensure that the U.S. Department of Education promotes effective education policies and programs designed to strengthen and support our nation's public schools and directs resources to local school districts to improve the education of the 50.4 million students that attend public elementary and secondary schools.

In closing, we look forward to working with you and your administration to provide all nation's students with excellent public education opportunities and welcome the opportunity to meet to discuss these priorities further. Please direct any questions to the AASA advocacy team:

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Sincerely,

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