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February 7, 2017

The Honorable Virginia Foxx  
Chairwoman  
Committee on Education and the Workforce  
U.S. House of Representatives  
Washington, DC 20515

The Honorable Bobby Scott  
Ranking Member  
Committee on Education and the Workforce  
U.S. House of Representatives  
Washington, DC 20515

*Re: Consideration of H.J. Res 5, Which Provides for Congressional Disapproval of the Rule Submitted by the U.S. Department of Education Relating to Accountability and State Plans Under the Elementary and Secondary Education Act of 1965.*

Dear Chairwoman Foxx and Ranking Member Scott:

The National School Boards Association (“NSBA”), working with and through our state associations, represents nearly 14,000 school districts and more than 90,000 local school board members across the country. NSBA represents the interests and viewpoints of a uniquely diverse constituency of local school board members who are directly responsible for educating more than 50 million students nationwide. As you consider the repeal of the U.S. Department of Education’s recently finalized regulation,<sup>1</sup> NSBA urges members of Congress to provide regulatory relief for local education leaders in a way that fully restores local governance of public education while simultaneously ensuring that State and local education leaders receive clear, continued guidance regarding the implementation of the Every Student Succeeds Act (ESSA). Therefore, NSBA supports regulatory relief that fully restores the authority granted by ESSA to local school board members.

NSBA applauds the historic reauthorization of the Elementary and Secondary Education Act, as amended by the Every Student Succeeds Act (“ESSA”), and the law’s clear directive to restore local governance and community ownership of public education. ESSA restructures the role of the federal government in public education and reaffirms the role of State and local education officials, including local school board members as the locally elected officials best positioned to improve public education.

NSBA expressed concern over the proposed regulations, released by the U.S. Department of Education on May 31, 2016. Specifically, NSBA submitted public comments in response to the

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<sup>1</sup> *Elementary and Secondary Education Act of 1965, As Amended by the Every Student Succeeds Act—Accountability and State Plans*, ED–2016–OESE–0032;

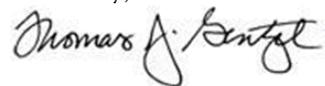
Department's proposed Accountability and State Plan regulations on July 29, 2017, and subsequently participated in consultation meetings with staff from the Office of Management and Budget pursuant to Executive Order 12866.<sup>2</sup> NSBA cited both general and specific concerns related to the prescriptive nature of the proposed regulations. Specifically, NSBA contended that the proposed regulations preserved a system of intrusive federal mandates by dictating specific aspects of State accountability systems in a way that infringes on the authority granted by ESSA to State and local educational agencies. Simply put, NSBA's primary concern was that the proposed regulations were too prescriptive. Notably, the Department significantly amended the proposed regulations to address the concerns raised by NSBA and other stakeholders through the public comment process.

NSBA recognizes Congress' authority to actively determine how ESSA will be implemented in States and local school districts. In fact, NSBA has encouraged members of Congress to remain actively engaged in monitoring the implementation of ESSA to ensure the law is implemented as Congress intended. Furthermore, NSBA appreciates the Administration's commitment to ensuring a complete recalibration of authority from the Federal to the State and local levels. As such, NSBA supports regulatory relief that fully restores the authority granted by ESSA to local school board members.

As Congress considers measures to provide regulatory relief to local school districts, we encourage members of Congress to remain cognizant of the important work that has already been completed by State and local education leaders to implement provisions of ESSA. If a resolution is passed to provide regulatory relief, Congress must take steps to ensure that the U.S. Department of Education provides timely information to local education leaders so that there are clear expectations regarding the timeline for implementation, and other ESSA-related requirements such as the submission of assurances or the development of local district plans. This work cannot be compromised, as it is key to the successful implementation of the new law.

Regulatory relief must not disrupt the important work that has occurred over the last year. Local district leaders have worked in good faith to meet the requirements of the law, and the need for clear direction and consultation with local stakeholders must remain a priority if the finalized regulations are repealed. We look forward to working with your staff to ensure that local school board members have the opportunity to fully utilize ESSA's flexibilities to meet the needs of students.

Sincerely,



Thomas J. Gentzel  
Executive Director and Chief Executive Officer

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<sup>2</sup> <https://www.nsba.org/nsba-public-comments-essa-accountability-state-plans-notice-proposed-rulemaking>