LOCAL SCHOOL BOARD GOVERNANCE AND FLEXIBILITY

BACKGROUND
The responsibility for education resides with the states which, in turn, have delegated substantial authority to local educational agencies, which are governed by local school boards. The role of the local school board is to develop policies, set priorities, and provide accountability to direct the operation of its schools. The authority of local educational agencies includes establishing the school district’s mission and goals, organization and structure, budget and budget priorities, education program, curriculum, extracurricular activities, services relating to student health and safety, transportation and school boundaries, procurement procedures, human resources management, construction, facilities management and other functions essential to the day-to-day operations of schools within the jurisdiction of the local school district, consistent with state law and policies. Local educational agencies are also authorized by a majority of states to invest resources, and acquire land and assume bonded indebtedness.

As the school district’s governing body, an overwhelming majority of school board members (96 percent) are directly elected by the local voters to serve and represent their local community in determining how their children are educated.

DISCUSSION
In recent years, the U.S. Department of Education has engaged in a variety of activities to reshape the educational delivery system. All too often these activities have operated to impact local policy and programs in ways that have been beyond the specific intent or contemplation of federal authorizing legislation. Whether in the form of regulations, rules, grant conditions, guidance materials, or other formats, many of these requirements that have emanated from the U.S. Department of Education are viewed by local educational agencies as not only unnecessary but beyond the intended direction of legislation enacted by Congress. Such actions are also placing unnecessary limits on the flexibility that local education agencies need to best meet local conditions as well as to meet state and federal goals in education. Additionally, local school boards frequently find that these federal regulations and grant conditions either directly, or through federal requirements placed on the states, carry significant financial and manpower costs. Further, such actions limit the flexibility of local school boards to make on-the-ground decisions that serve the best interests, conditions, and needs in the school district. The vital national interest in representative self-governance in education through local school boards is being weakened.
The National School Boards Association (NSBA), on behalf of the 90,000 local school board members across the nation and their state school boards associations, prepared draft language for a federal bill to establish several procedural steps that the U.S. Department of Education (ED) would need to take prior to initiating regulations, rules, grant requirements, guidance documents among other regulatory materials to ensure that the U.S. Department of Education’s actions are consistent with the specific intent of federal law and are educationally, operationally, and financially supportable at the local level. These procedures are intended to strengthen the capacity of the local level to address the U.S. Department of Education rule making and protect local school district governance from unnecessary and counter-productive federal intrusion either directly, or through requirements placed on the states.

This legislation is also intended to provide the House and Senate committees that oversee education with better information regarding the local impact of the U.S. Department of Education’s activities. Further, the legislation is designed to more broadly underscore the role of Congress as the federal policy-maker in education and through its representative function, to ensure that the decisions that are made at the federal level will best support the needs and goals of local school systems and the communities they serve as they meet the federal interest and goals in education.

On March 21, 2013, Rep. Aaron Schock (IL) introduced the Local School Board Governance and Flexibility Act, H.R. 1386. Original sponsors included Representatives Rodney Davis (IL), Ron Kind (WI), Patrick Meehan (PA), and David Valadao (CA) with a total of 42 sponsors. The bill enjoys the support of AASA, the School Superintendents Association. Key provisions of H.R. 1386 have been incorporated into Student Success, H.R. 5, the House bill to reauthorize ESEA.

On June 10, 2014, Senator James Inhofe (OK) introduced the Local School Board Governance and Flexibility Act, S. 2451. This bill also has been supported by AASA, the School Superintendent’s Association.

**NSBA POSITION**

NSBA urges members of Congress to support and formally sponsor this legislation to re-affirm the role of local school boards as the principal democratic governance body in determining how children in local communities are educated. Additionally, NSBA urges local school board members to contact their Representatives to support H.R. 1386, and their Senators to support S. 2451.

*For further information, contact Reginald M. Felton, assistant executive director for congressional relations at 703-838-6782 or rfelton@nsba.org.*