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July 27, 2012

Dear Education Advocate:

We are pleased to present to you NSBA’s Grassroots Lobbying Guide for School Board Members prepared exclusively for NSBA by the National School Boards Action Center (NSBAC). NSBAC advocates for public education in coordination with NSBA and its State Association members. The creation of NSBAC enables NSBA to expand its effectiveness in Washington, D.C. and to send additional information to school board members, including material that will strengthen your advocacy efforts and that can be used during the campaign season.

NSBA’s lobbying efforts on Capitol Hill are crucial to ensure that the best interests of school boards are represented in federal legislation, public policy, and administrative and agency regulations. In implementing our lobbying program, NSBA works with and through your state school boards association. As you are aware, an essential part of our success is based on the strength of our grassroots network – comprised of individuals just like you who have accepted the responsibility to reinforce NSBA’s advocacy in Washington, D.C. by lobbying your members of Congress on priority issues. In addition, as an influential community member, we are asking that you share the messages within this lobbying guide with your fellow school board members – and your community at large – via your local media and social networking avenues. This guide outlines the issues, the background, talking points, sample letters and tips on getting the message out to the media.

Most importantly, school board members cannot sit silently as Congress chooses not to address issues that are so important to public education which include – reauthorizing (replacing) the Elementary and Secondary Education Act (ESEA) - a.k.a. No Child Left Behind - and providing adequate federal funding support to mandated programs such as Title I and the Individuals with Disabilities Education Act (IDEA).

Please use NSBA’s Grassroots Lobbying Guide for School Board Members to assist you as you lobby your federal legislators while you have the opportunity to meet with them when they are home this August for their state and congressional work periods, as well as during the remainder of the year. We always welcome your feedback, so please share with us your grassroots efforts, any messages you hear from Congressional offices and your communication with the media.
Proudly, we are representing you and more than 90,000 school board members from across the nation. Together, we can work as one united front to ensure that ESEA is reauthorized now and that our schools and students receive the federal investment that they desperately need and most importantly, deserve.

Yours truly,

C. Ed Massey     Anne L. Bryant
President     Executive Director

P.S. If you need any assistance, please contact Kathleen Branch, NSBA’s national advocacy services director, at kbranch@nsba.org or 703.838.6735.
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How to Use Your Grassroots Lobbying Guide

This guide is designed to help you with your advocacy actions for public education. On the following pages, you’ll find background information and resources for completing your action plan.

- **Review the background information on the issues and send letters to your members of Congress.** You will want to select the issues of importance to your school district. You may use the sample letters starting on page 19 as a guide. Please share a copy of your letters with NSBA. You may also access the letters and email copies to your members of Congress at www.nsba.org/lobbyingguide2012.

- **Meet with your members of Congress during the congressional recess.** Your members of Congress are scheduled to be in their hometowns beginning Monday, August 6 and returning to Washington, D.C. on Monday, September 10. This is a great time to set up your meeting to discuss these critical issues. Use the tips on page 23.

- **Choose the issue(s) most important to your school district** to discuss with your members of Congress and/or send a letter(s).

- **Contact your local media outlets** to let others in your community know about your events with members of Congress and how federal education issues impact your school district and local community.

- **Arrange a time for your members of Congress to visit the schools in your district in the fall.** This may be a request you make in a letter or while meeting with your members in August or September.

- **Share your opinion and garner community support for public education by participating in social networking.** See page 23 to get started.

Please also plan to join NSBA for a special webinar on Wednesday, August 8 at 2:00 p.m. where you will hear from NSBA’s Federal Advocacy & Public Policy staff regarding the latest developments on Capitol Hill as they outline the Grassroots Lobbying Guide. To participate, look for information in a special e-mail that will be sent to you soon or online at www.nsba.org/lobbyingguide2012.
Part One: The Issues – Background & Talking Points

Sequestration = Across-the-Board Cuts to Education: Urge Congress to Intervene

Education programs face an estimated cut of 7.8 percent\(^1\) or more on January 2, 2013, unless Congress takes action to cancel the budget cuts. These cuts are scheduled to occur through a process called sequestration. Sequestration is defined as the automatic, across-the-board cancellation of budgetary resources. It was put into place as a government wide effort to cut overall federal spending without concern for priority investments like education that are crucial to the long term success of the nation, but are inconsequential in relation to the federal budget. NSBA urges Congress to rescind sequestration to protect our nation’s education priorities.

Your Talking Points to Congress

- **A commitment from your representative to act now to rescind sequestration that is scheduled to occur on January 2, 2013, perhaps using the funding bills that Congress is considering for FY2013.**

- **A commitment from your representative to cancel the scheduled across-the-board cuts (sequestration) to education programs if sequestration moves forward.** These cuts would affect every school district and the millions of students they educate. Many school districts have already implemented cuts commensurate to state and local budget conditions. Any further cuts would result in larger class sizes, narrowing of the curriculum, possible four-day school weeks, loss of extracurricular activities, and teacher and staff lay-offs. Describe the budget cuts your school district has implemented, as an example.

- **The initial budget cuts that took place when the Budget Control Act was enacted in August 2011 are sufficient.** The co-chairs of the Bipartisan Policy Center Debt Reduction Task Force, former Senator and Budget Committee Chairman, Pete Domenici, and former Federal Reserve Vice Chair, Dr. Alice Rivlin, have stated that “further significant cuts in discretionary spending will

\(^1\) The Congressional Budget Office has estimated that the budget reductions would range from 7.8 percent in 2013 to 5.5 percent in 2021, affecting new discretionary appropriations for nondefense programs.
do little to improve long run fiscal sustainability and risk harming investment, recovery, and future growth.”

- **State/local governments have very limited capacity to soften the cuts of sequestration.** According to a survey conducted by the American Association of School Administrators (Cut Deep: How the Sequester Will Impact Our Nation’s Schools), “nine out of ten (90 percent) school administrators [indicated] that their state would be unable to absorb or offset the cuts of sequestration” and their district would be unable to absorb the cuts.

- **NSBA and nearly 3,000 organizations representing millions of Americans have signed a letter to Congress urging Congress and the President to work together to ensure that sequestration does not take effect.** The very programs that are at risk support economic growth, including Title I aid to schools; IDEA funds for students with disabilities; Impact Aid; teacher quality grants; after-school grants; English Language Acquisition grants; and career and technical education.

- **For FY2011, K-12 programs were already cut by more than $835 million.** Additional budget cuts are not feasible for school districts, especially given state and local budget conditions that have impacted education through a series of reductions.

**Background**

Sequestration is a product of the Budget Control Act of 2011 that was enacted in August of 2011 as the result of negotiations between Congress and the Administration to raise the national debt limit. In exchange for raising the national debt limit, the law created a Joint Select Committee on Deficit Reduction (called the Supercommittee) that was tasked with developing a plan to produce a savings in expenditures of $1.2 trillion by November 23, 2011. However, the Supercommittee was unable to reach an agreement on how to enact the $1.2 trillion in cuts. Therefore, the Budget Control Act includes a provision stating that in lieu of an agreement or congressional passage of legislation by the Supercommittee, a series of across-the-board budget cuts (also called sequestration) to both defense programs and domestic programs, including education, will occur instead. The impact of sequestration on education programs that Congress must decide now is an estimated $3.5 billion to $4.1 billion budget cut. This includes an estimated $1.2 billion cut to Title I grants for disadvantaged students and an estimated $900 million cut to special education under the Individuals With Disabilities Education Act (IDEA) for the 2013-14 school year.

“More specifically, the resulting $1.2 billion cut to Title I could mean denying funding to nearly 4,000 schools serving more than 1.6 million disadvantaged students, and
more than 16,000 teachers and aides could lose their jobs,” according to U.S. Department of Education Secretary Arne Duncan.

Secretary Duncan also stated during a hearing before the House Appropriations Subcommittee on Labor-Health & Human Services-Education that the estimated cut would affect special education grants by more than $900 million, “which could translate to the loss of 10,000 special education teachers, aides, and other staff providing...support to children with disabilities.”

Please refer to the chart on page 27 which lists the overall impact of an eight percent across-the-board cut to select education programs such as Teacher Quality grants, Impact Aid, and English Language Acquisition. For more information on the projected loss of funds per state, please visit www.nsba.org/lobbyingguide2012.

In some instances, state education agencies are informing districts that sequestration cuts could occur, while in others like Texas, the state is slated to withhold 10 percent of the local grants in case the cuts do go into effect.

Ultimately, Congress can intervene now and rescind the sequestration provision of the Budget Control Act before it is scheduled to become effective on January 2, 2013. For example, Congress could pass legislation rescinding the sequestration as a stand-alone bill, or as a provision in an appropriations measure for FY2013 or any other bill. In a Senate Finance Committee hearing on June 19, former Senator Pete Domenici and former Federal Reserve Vice Chair Dr. Alice Rivlin, who served as co-chairs of the Bipartisan Policy Center Debt Reduction Task Force, stated that the initial cuts (approximately $917 billion over 10 years) that were legislated when the Budget Control Act was first enacted are sufficient. “...Further significant cuts in discretionary spending will do little to improve long run fiscal sustainability and risk harming investment, recovery, and future growth. So far, Congress has imposed virtually 100 percent of deficit reduction on less than 37 percent of the budget.”

**Recent Legislation**

The House of Representatives passed a bill in May called the *Sequester Replacement Reconciliation Act of 2012* (H.R. 5652) that would prohibit sequestration from affecting Department of Defense programs. However, the cuts that were initially slated for defense programs, which were half the $1.2 trillion total, could then be shifted to education and other non-defense programs, thereby more than doubling the amount of the across-the-board cut (i.e. more than 16 percent). Currently, Senate leaders have indicated that they do not plan to consider this legislation.

On June 27, The House Budget Committee unanimously reported H.R. 5872, the *Sequestration Transparency Act of 2012*, which would require the Administration to explain how sequestration would be applied to programs, including the estimated
percentage of cuts for each program in Fiscal Year 2013. The House of Representatives subsequently passed this bill by a vote of 414 to 2 on July 18. In the Senate, Senators John Thune (R-SD) and Jeff Sessions (R-AL) have introduced a similar bill. Senators Patty Murray (D-WA) and John McCain (R-AZ) also negotiated an amendment to the recent farm bill requiring the Administration to submit a report on how sequestration will work. Among the items the amendment requires the president to report on is “an assessment of the impact of program cuts to education funding across the country, including estimates on teaching jobs lost, the number of students cut off programs they depend on, and education resources lost by States and local educational agencies…”

**Fiscal Year 2013 Funding**  
(For the 2013-14 school year)

**Status**
Apart from sequestration, Congress is considering the regular appropriations bill which would determine the amount from which sequestration would be applied if left to stand. On June 14, the Senate Appropriations Committee reported its recommendations for a Fiscal Year 2013 funding bill for education.

Overall, the Senate bill (S. 3295) would provide a $100 million increase for Title I grants for disadvantaged students and a $100 million increase for special education (IDEA). Other programs, such as School Improvement Grants, Impact Aid, Career and Technical Education and Teacher Quality State Grants, would be level-funded. Please refer to the chart on page 27, which lists the Committee’s proposed funding levels for several programs.

On July 18, 2012, the House Appropriations Subcommittee on Labor, Health & Human Services, and Education also reported its recommendations for an FY2013 funding bill, proposing a $500 million increase for special education and level funding for Title I grants.

It is important that your representatives hear from you regarding funding needs for Title I and IDEA, especially those who serve on the House Appropriations Committee, which may meet to consider the Subcommittee recommendations the week of July 31.

**Your Talking Points to Congress**

[Note: Because education funds are appropriated one year in advance of their use, the appropriations and sequestration decisions that are being made now will impact the 2013-14 school year. In getting commitments to increase funding in the regular ...]
Appropriations bill, it’s important to also get commitments to oppose sequestration cuts which would subsequently produce several billion dollars in cuts from the amounts appropriated for the 2013-14 school year.]

- **Urge the House Appropriations Committee to provide the highest possible funding increase for special education (IDEA) grants in the FY2013 funding bill, above the current level.** IDEA is an underfunded mandate that comprises higher percentages of school budgets each year, often forcing school districts to reduce general education budgets to make up the shortfall. States and local school districts are paying approximately 83 percent of the total cost of IDEA. (Under the *Individuals With Disabilities Education Act*, Congress promised to pay 40 percent of the excess cost per student. However, the current federal share is less than 17 percent.) Many communities cannot raise property taxes in this economy to address the shortfall. According to Moody’s Analytics, average property tax revenues will decrease by another 4.4 percent during 2012.  

(Last year, the House Appropriations Subcommittee’s draft bill for FY2012 education funding included a recommendation of a $1 billion increase for IDEA. Although the increase was not included in the final bill, this recommendation established a precedent supporting greater investments in IDEA, which NSBA supported.)

- **Increase Title I investments.** Annual requirements for improving academic performance continue to increase (e.g. assessments, graduation rates, parental involvement, and schoolwide performance). Also, more schools have additional students who are eligible for Title I services because of the economy, which has added more students to the national poverty count. There are 10.8 million students included in the national poverty count, and now factored into the Title I formula, compared to the 9.9 million students in the preceding year. Another indicator of this increased demand is that within the last five years, the number of students eligible for free and reduced price lunches has increased by 17 percent. (Last year, the House Appropriations Subcommittee’s draft bill for FY2012 education funding included a recommendation of a $1 billion increase for Title I. Although the increase was not included in the final bill, this recommendation established a precedent supporting greater investments in Title I, which NSBA supported.)

- **Develop a balanced budget that protects education investments**, in lieu of the across-the-board cuts, also called sequestration, that are scheduled to

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occur in January because of the Budget Control Act. These cuts would affect almost every school district and the millions of students they educate. "More specifically, the resulting $1.2 billion cut to Title I could mean denying funding to nearly 4,000 schools serving more than 1.6 million disadvantaged students, and more than 16,000 teachers and aides could lose their jobs," based on estimates by the U.S. Department of Education.

- **School districts are already facing tight budgets and cannot afford to sustain additional funding cuts.** For example, in Pennsylvania, the loss of 5,100 school employees has led to larger class sizes and fewer electives, such as foreign languages and music. [INCLUDE LOCAL EXAMPLES PERTAINING TO YOUR DISTRICT]

**Background**

Title I grants for disadvantaged students and special education grants under the Individuals With Disabilities Education Act are the two largest sources of federal funding to school districts and also the most underfunded. They are essential resources for student achievement.

Title I grants for disadvantaged students and special education grants under the *Individuals with Disabilities Education Act (IDEA)* support school districts and states in providing students with resources including individualized education programs that enable students with disabilities to be involved in and make progress in the general education curriculum; math and reading coaches; preschool; and other support services. With the exception of the economic stimulus funding in Fiscal Years 2009 and 2010, recent years’ appropriations bills have almost level funded Title I and IDEA. This action has created a gap that is billions of dollars below what Congress authorized for both NCLB and IDEA.

Specifically, federal funding for Title I grants is $14.5 billion currently; but, the unmet funding need is now over $30 billion. The Title I program is the main source of funding for meeting the requirements of the *No Child Left Behind (NCLB) Act/ Elementary and Secondary Education Act (ESEA).* Title I provides funds to school districts to help disadvantaged children achieve proficiency on challenging academic standards and to improve the performance of low-achieving schools, including those for highly qualified teachers and parental involvement. Title I funding is allocated primarily by formula grants to the states, and, in turn, to school districts based on the number of low-income children and other categories of disadvantaged children residing in these jurisdictions.

IDEA funding is provided to help school districts fulfill the *Individuals with Disabilities Education Act* mandate, enacted in 1975, to provide the range of the special education and related services. These services are designed to meet the unique learning needs
of children with disabilities, preschool through age 21 (e.g., early intervention, health screening, assistive technology, education specialists and paraprofessionals). IDEA is currently funded at $11.5 billion, which represents a fraction of what the law states: that federal funds should cover up to 40 percent of the excess cost of educating students with disabilities. Federal funding for special education should be approximately $28.3 billion in this fiscal year to pay for the federal share of costs for services to the more than 6.6 million students who receive IDEA services designed to meet their individual needs. The federal shortfall must be made up through local funding at a time when school districts are cutting budgets and programs.

While the federal share of funding for Title I and IDEA has increased in recent years, the demand for services has outpaced the annual federal appropriation for each program.

**ESEA Reauthorization**

**Congress: Do Not Let ESEA Reauthorization Stall Any Longer**

**Status**

The *Elementary and Secondary Education Act (ESEA)*, also known as *No Child Left Behind (NCLB)* has stalled in Congress. School board members must let Congress know now that this is not acceptable and share examples as to why it is detrimental to your school district. You may ask, why reauthorize a flawed bill? Reauthorization is a term used in Congress which essentially means to create a new bill. Both the House and Senate committees that oversee education have passed legislation to reauthorize ESEA, and although not perfect, is a step in the right direction. However, because of partisan differences, the bills have not been brought to the floor. If ESEA is not reauthorized once this Congress adjourns later this year, the entire process must begin again during the next Congress.

**Your Message to Your Members of Congress**

To Your Representative: Ask Majority Leader Eric Cantor (R-VA) to schedule a full House floor vote on ESEA this year – and in time to reconcile differences with the Senate bill.

To Your Senators: Ask Senate Majority Leader Harry Reid (D-NV) to schedule the full Senate floor vote on ESEA this year – and in time to reconcile differences with the House bill.
Your Talking Points to Congress

• Both the House Committee on Education and the Workforce and the Senate Health, Education Labor and Pensions (HELP) Committee have passed ESEA bills. So keep the legislative process moving. Neither the House bills nor the Senate bill are perfect, but improvements and compromises can be achieved as the bills move through floor votes and subsequent conference committee negotiations to resolve differences between the House and Senate versions.

• Although the U.S. Department of Education (DOE) has issued waivers to 36 states, those waivers come with new requirements from DOE. The longer the reauthorization is delayed, the more those conditions will be locally phased-in, meaning that a delayed change of policy direction or priorities in the reauthorization will increasingly create unnecessary costs and confusion at the local level.

• The House-Senate Conference Committee would resolve any differences.

• Failure of the House or Senate to schedule full floor voting on the ESEA bills stalls the ESEA reauthorization unnecessarily.

• ESEA reauthorization is an urgent matter to local school board members even with the waivers now available to states. Members of Congress need to know that the waivers (if granted) are only a temporary measure and that Congress should complete the legislative process before Congress adjourns.

Background

The Elementary and Secondary Education Act (ESEA) was last reauthorized as the No Child Left Behind (NCLB) Act and signed into law on January 8, 2002. This important federal law was envisioned as a means of holding states, local school districts and schools more accountable for improving the academic performance of each student regardless of economic status, race, ethnicity, proficiency in English, or disability.

The law included some very positive provisions such as new requirements for disaggregated data, more rigorous curricula aligned with state standards and increased emphasis on academic accountability. However, the framework of the new law soon overburdened states and local school districts with its “one-size-fits-all” approach in the implementation, punitive actions for not making academic progress including mandated sanctions that were costly and lacked little if any impact, and a public reporting system that neither fairly nor accurately reflected the academic performance of students, schools or school districts. The promise of a strong accountability system that would foster improved student performance quickly was replaced by a system of overwhelming reporting requirements, incorrect information
SUMMARY OF LEGISLATIVE ACTIVITY

Although NCLB was not seriously expected to be revised during the 111th Congress which ended in 2010, school board members and other stakeholders became more disappointed with the implementation of NCLB and the prospects for identifying more and more schools as “in need of improvement” due to a flawed accountability system that identified even the best academic schools as “failing.” The promise of greater state and school district flexibility in addressing the unique challenges facing their local schools has not been met. Local school board members across the nation have become frustrated with the slow pace with which Congress has chosen to address the critical flaws in the law.

With the convening of the 112th Congress in January 2011, there appeared to be a sincere willingness on the part of the Democrats and Republicans in the House and the Senate to move the legislative process forward. Senate Health, Education, Labor and Pensions (HELP) Committee chairman, Sen. Tom Harkin (D-IA) released the Committee Chairman’s Mark on October 11, 2011; held the HELP Committee Mark-up on October 19-20, 2011; and the committee reported out a bill on October 20 by a vote of 15-7, that included three Republicans for the bill and the remainder opposed. During the months leading up to final committee action NSBA lobbied intensively and successfully to secure legislative language consistent with local school board priorities.

On February 9, 2012 the House committee chairman, John Kline (R-MN) introduced two major bills, the *Student Success Act*, HR 3989; and *Encouraging Innovation and Effective Teachers Act*, HR 3990, reflecting significant provisions lobbied for by NSBA staff. On February 28, 2012, the committee reported out the two bills on straight party line vote of 23-16, i.e., all Democrats voting against the bill.

The Senate Bill

The Senate bill removes the highly penalty-oriented Adequate Yearly Progress (AYP) and Annual Measurable Objectives (AMO) accountability system, relying instead on a state-based system of goal setting based on college and career readiness. The bill also strengthens the use of growth as one element in a set of multiple measures for determining accountability, focuses improvement strategies on the lowest performing schools, advances the improvement of standards and assessments that did not require federal approval, and supports improved teacher evaluation systems, among other measures.

The Senate bill also contained provisions that were only partial improvements or operationally unrealistic. For example the bill expands from four to seven the types of interventions that must be implemented by States and local school districts in
improving low-achieving schools. Although the seventh option would allow States to design, develop and implement strategies that are considered to be specifically tailored to the unique needs of the school, NSBA recommended a clarification so school districts would have the authority and flexibility to determine appropriate evidence-based promising interventions designed to meet local conditions. Additionally, the Senate bill continues mandated qualification requirements for teachers and other instructional personnel while at the same time, shifting focus to improved evaluation systems, and fails to adequately address how States would support local school districts in building their capacity to assume expanded responsibilities.

Another concern, however, is that the Senate bill would authorize new comparability requirements beginning in the 2015-2016 school year for local school districts receiving Title I funding. This new method would place burdensome requirements on local school districts related to how they will account for and fund their Title I schools from local resources.

The House Bills
The House committee passed two bills: the Student Success Act, HR 3989, which established a new accountability framework by expanding authority and flexibility to States and local school districts in determining how districts and schools would be held accountable for improved student achievement and in closing the achievement gap between various subgroups; and Encouraging Innovation and Effective Teachers Act, HR 3990 – which primarily focused on teacher effectiveness by supporting the development and implementation of teacher evaluation systems.

Overall, the bills were closely aligned with local school board recommendations and priorities – with two very significant exceptions: two related provisions that would: 1) establish funding caps in the out years tied to cost of living (i.e., prevent the funding priority for education to be increased beyond the annual costs of living over the FY2013 level), and 2) free states from maintaining state funding levels from year to year. However, in the final analysis – to keep the momentum moving – and in consideration of the significant overall improvements in the final House bill, the bills should move forward to address these funding concerns, which the Senate would insist on blocking to allow final passage.
Part Two: Other Issues in Congress

Vouchers

Background
Since the creation of D.C. vouchers -- the nation’s only federally-funded voucher program -- in 2004 as a five-year pilot initiative, NSBA has been lobbying to end it. Congress has consistently under-funded federal education programs such as Title I and special education and is considering across-the-board cuts under the sequestration process to plug the budget deficit gap. Limited federal education dollars should be invested in public schools, not diverted to private and religious schools that face no similar public accountability requirements.

The D.C. Opportunity Scholarship Program provides vouchers worth up to $7,500 to about 1,615 students residing in the District of Columbia to attend mostly religious schools. In June 2012 the Senate and the House Appropriations Committees approved $13.5 million and $20 million, respectively, for the voucher program. Not only has Congress been funding this failed pilot program, the White House changed its position in June to support allowing new students to enroll in the program, essentially expanding the program instead of keeping only existing students in the program until they graduate. This change of position would likely mean that the voucher program will continue for the foreseeable future.

In addition, voucher advocates have focused on military families with children with disabilities, claiming that local school districts are not sufficiently serving these children, and that they would be better off in private schools. They use the term scholarship in a misleading fashion in the venues of the House and Senate Armed Services Committees whose members are naïve or unaccustomed to the education community’s vocabulary. Apparently they believe that yet another experiment in vouchers will convince more of the public and also more members of the House and Senate that vouchers are solid public policy. Similar tactics have been tried in the states, too, using different vocabulary and different legislative committees as conduits to push their misleading message and goal.

Your Talking Points to Congress

- Vote against continuation of the D.C. voucher program and transfer the funds back to D.C. public schools.
- Vouchers do not improve student achievement. Evaluations from the U.S. Department of Education repeatedly found that the D.C. voucher program
has had no effect on student performance, especially for students from schools in need of improvement – a group for which the program was created.

- **D.C. vouchers lack accountability.** A Government Accountability Office report found numerous problems related to a lack of accountability, including tax money supporting private schools that do not even charge tuition.

- **Vouchers targeting students with disabilities do not provide a better or quicker way for these students to get the services they need.** Students and parents would forfeit their right to a “free and appropriate public education” and other procedural safeguards under the federal special education law.

- **Vouchers received the lowest approval rating from the American public in the last 10 years, according to the PDK/Gallup poll in 2011.** Only one of three Americans favored allowing public dollars to pay for private school tuition.

**Charter Schools**

**Background**

While Congress has been stymied in its quest to reauthorize the Elementary and Secondary Education Act, there is one program in the elementary-secondary realm that appears to have bipartisan appeal in both the House and the Senate, which is charter schools. As evidence, the House passed H.R. 2218, the new $300 million *Empowering Parents through Quality Charter Schools Act*, on September 19, 2011, on a somewhat lopsided bipartisan vote of 365-54. NSBA went on record supporting charter schools that are authorized by local school districts, but could not support the House bill as reported because it expanded authorizing status to many other entities, including the Governor’s office.

Meanwhile on the Senate side, charter school provisions in the Harkin-Enzi, committee draft for ESEA, were expanded and adopted in the committee markup without fanfare or contentiousness.

At the same time, the Obama Administration continues to tout charter schools as a major, reliable education reform option. Their initial Race to the Top (RTTT) state competitive grant provisos spurred states to remove caps on the number of charters and/or initiate legislation to create charter school programs for the first time in their states. In anticipation of receiving the RTTT funds, many states lifted caps and enacted legislation they otherwise would not have. Some national advocacy groups and foundations worked in tandem with this Administration thrust to boost the
charter movement, such as the American Legislative Education Council, which developed legislative templates, and the Walton, Bill and Melinda Gates and Eli Broad Foundations that spread grants throughout the United States.

While the RTTT funding was a substantial temptation at a time when 47 state budgets were substantially challenged with school funding being the largest line item, only 12 states and the District of Columbia received funding in the first round of RTTT, and another 14 states in the second round. Some states never applied for or received any RTTT funding whatsoever in part because of the charter school emphasis. The overall effect, however, was to artificially spread the charter school movement throughout the nation’s landscape, rather than in a natural evolution or under a deliberate plan. Altogether 41 states and the District of Columbia now have charter school laws, and the students attending them represent five percent of the nationwide K-12 school population. Often charter school legislation has been heralded and promoted by governors and big city mayors as a reform strategy. As a result, in some cities the charter school enrollment has reached as much as 40 percent.

Currently some 52 percent of charter schools are overseen by local school districts. This seems to be a point that is lost on many elected office holders, and is a critical item to bring up in conversations. Local school boards do not necessarily fear charter schools; the NSBA membership simply believes that they should be the outgrowth of well-planned, deliberate, sound judgment and be overseen by democratically-elected boards.

Some overall background:

- In seven states, chartering authority rests with local school districts;
- In four states, authority lies with the local school district and a state charter board;
- In nine states, authority is in the hands of the local school district and the state education agency;
- In 11 states, the state education agency is solely responsible;
- In the District of Columbia, the state charter board solely makes decisions; and
- In nine states, authority rests with a combination of those agencies noted above, and in some with an institution of postsecondary education or a non-profit entity.
### Public Charter School Authorizers, 2008-2009

<table>
<thead>
<tr>
<th>Local School District alone</th>
<th>State Education Agency Alone</th>
<th>Local School District and State Education Agency</th>
<th>Local School District and Independent Charter Board</th>
<th>Independent Charter Board</th>
<th>Combination (in some cases including higher education institution or not-for-profit organization)</th>
</tr>
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<td>AK, IA, KS, MD, TN, VA, WY</td>
<td>AR, CT, HI, MA, MS, NC, NH, NJ, RI, TX, UT</td>
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<td>AZ, CO, ID, SC</td>
<td>DC</td>
<td>FL, IN, MI, MN, MO, NY, OH, OK, WI</td>
</tr>
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### Your Talking Points to Congress

- Charter schools should be authorized by local school boards.

- The majority of children, or 95%, attend traditional public schools.

- **Charters should not be permitted to be selective in recruiting and enrolling students.** As public bodies, they should either be set up to accept students on a lottery system or take all students whose parents or guardians choose them without regard to academic ability, disability, English proficiency, race, color, national origin, religion, national ancestry or gender.
Part Three:
Sample Letters to Your Members of Congress

Please send a letter to your members of Congress on the issues that are most important to your school district.

While it is most effective to write to your members of Congress in your own words, we recognize that you are extremely busy. Therefore, NSBA has an online legislative action center with sample letters that you may easily customize to include your own words and your own district stories and updates (which are always compelling).

Go to www.nsba.org/lobbyingguide2012 to access our legislative action center today.

The benefits of using NSBA’s legislative action center include:
- Sample letters available for you to customize to instantly e-mail or print and fax to your members of Congress.
- Bypassing regular mail, which would take several weeks to go through the Capitol Hill security system.
- NSBA receives a record of your action; it helps NSBA lobbyists make a stronger case on Capitol Hill when they can show the response of school board members on an issue.

How to use NSBA’s Legislative Action Center
1. Write to your members of Congress by going to www.nsba.org/lobbyingguide2012.
2. Click on the Act Now button.
3. Choose the issue you want to write about, and click Read More for an update on the status of legislation.
4. Click Take Action to view the sample letter. Add relevant examples about the issue from your district to the letter.
5. Enter your contact information on the left side of the screen and click Go!
6. Select which members of Congress you would like to email.
7. Review your letter and press Go!

You can find all of the sample letters on NSBA’s website: www.nsba.org/lobbyingguide2012.
Sequestration Sample Letter

Date

The Honorable (insert member’s name)
United States Senate/United States House of Representatives
Washington, DC 20510/20515

Dear Senator/Representative (insert member’s last name):

As a school board member representing the ____________________ (state school district), I urge your strong support to rescind the Budget Control Act’s provisions for sequestration before they are scheduled to become effective on January 2, 2013. Your immediate intervention is urgently needed in order to develop a plan that protects national priorities – including a reversal of the deep cuts to education that are projected to exceed eight percent of the current Fiscal Year 2012 funding.

All elementary and secondary education programs could be affected by a total reduction of more than $4 billion if Congress does not adopt a balanced deficit reduction plan in lieu of the $1.2 trillion in across-the-board cuts that are slated to occur through sequestration. Critical programs such as Title I grants for disadvantaged students would be cut by an estimated $1.2 billion; and, special education grants under the Individuals With Disabilities Education Act would be reduced by an estimated $900 million. [Add local impact data and examples that pertain to your district.]

Moreover, I urge your immediate support to cancel the scheduled across-the-board cuts to education programs. These cuts would affect every school district and the millions of students they educate. Many school districts have already implemented cuts commensurate to state and local budget conditions. Any further cuts would result in larger class sizes, narrowing of the curriculum, possible four-day school weeks, loss of extracurricular activities, and teacher and staff lay-offs. These cuts would exacerbate budgets that are already stretched thin and that are affected by increased operating costs, such as those for special education, for example.

Your leadership on this very important issue is greatly appreciated and will impact the students, schools and communities in your state.

Sincerely,

(Insert your name and contact information)
Date

The Honorable (insert member’s name)
United States Senate/United States House of Representatives
Washington, DC 20510/20515

Dear Senator/Representative (insert member’s last name):

As a school board member representing the ____________________ (state school district), I am writing to urge you to oppose cuts in appropriations for K-12 education and early education programs for Fiscal Year 2013. I urge you to please:

Protect education investments in the final appropriations bill for FY2013 that will continue effective programs for student achievement and school performance.

Increase and certainly preserve funding levels for special education (IDEA) and Title I grants for disadvantaged students. Reductions in these programs would be detrimental to our school districts and communities that are already experiencing severe budgetary challenges because of local and state economies. Further cuts to our public schools would impact our efforts to close achievement gaps. [Add local impact data and examples that pertain to your district.]

And, please do not impose drastic cuts to federal discretionary funding for education that undermine economic recovery and long-term American competitiveness. As the report of the National Commission on Fiscal Responsibility and Reform states, “…we must invest in education, infrastructure, and high-value research and development to help our economy grow, keep us globally competitive, and make it easier for businesses to create jobs.”

Your leadership and votes on legislation that will determine the level of support for our students in FY2013 and future fiscal years is crucial as our nation, states and communities seek to protect education resources for our children.

Thank you for considering my concerns regarding education funding. I look forward to talking with you on this issue and discussing how these programs impact our own district and state.

Sincerely,

(Insert your name and contact information)
Date

The Honorable (insert member’s name)
United States Senate/United States House of Representatives
Washington, DC 20510/20515

Dear Senator/Representative (insert member’s last name):

As a school board member representing the _________________ (state school district) I urge you to help your local school district by completing the legislative process to reauthorize the Elementary and Secondary Education Act (ESEA) before this Congress adjourns. It appears to us that the legislative process for ESEA reauthorization is stalled. While the House and Senate education committees have passed their respective bills, neither the House nor Senate leadership has scheduled the legislation for full Senate or House floor vote.

We understand that some members of Congress may have changes that they would like to make to the committee-passed legislation. However, the only way to make such changes is to allow the legislation to move through the full Senate or House floor vote process and on to negotiations in conference committee. To continue to stall the legislative process is unfair to our nation’s schoolchildren and the local school districts responsible for their education by forcing compliance with provisions of the current law that are burdensome, costly and ineffective. The waiver process initiated by the Department of Education is limited and comes with new requirements that are likely to be changed. If delayed, these requirements will cause unnecessary confusion and costs as the waiver conditions are phased-in over time.

Therefore, we urge you to seek support from Senate Majority Leader Harry Reid (or House Majority Leader Eric Cantor) and your colleagues in getting the full Senate (or House) floor vote on ESEA this year – and in time to reconcile the differences between the House and Senate bills.

Sincerely,

(Insert your name and contact information)

You can find all of the sample letters on NSBA’s website: www.nsba.org/lobbyingguide2012.
Part Four: Tips for August Recess Meetings

The August recess gives members of Congress the chance to spend time in their districts/states for several weeks. Please plan to take advantage of this opportunity and invite your member to an event or schedule a special meeting with your member. Congress is scheduled to be back in session on Monday, September 10.

• **Contact the right person.** Call your member’s office to find out the proper procedure for sending an invitation. Most members have executive assistants in their Washington offices responsible for scheduling requests. Invitations are generally requested to be in writing. Send the invitation to the attention of the executive assistant responsible for the member’s calendar. This will expedite the process. You should also send a copy of the letter to the member’s district office. The Washington and district offices usually coordinate when the member is travelling in the state. To get your member’s contact information please go to [www.nsba.org/lobbyingguide2012](http://www.nsba.org/lobbyingguide2012).

• **Be flexible.** If at all possible, note in the invitation that you are willing to accommodate the member’s schedule.

• Invite your member of Congress to **visit your schools**.

• If you are from a congressional district with many school districts, you might also want to **join together with the other school districts** and host a special meeting with your member of Congress to voice your concerns.

• You may want to also **speak with the member’s communications director** to help get the media to cover the event.

Part Five: Start Small: Use Social Media

Use Social Media to Stay Involved and Get Your Message Out

Social networking is a great way to reach a wide range of people within and outside the education community. Consider using it to promote your advocacy message. Social media, such as Twitter and Facebook, is free and easy to use once you set it up and get familiar with each network. NSBA has a Twitter account and Facebook page set up to share information and keep in touch with school board members and communities across the country.
Twitter:

Twitter is a great way to reach people outside of your usual circle. It allows you to send and read text-like posts called “tweets” of up to 140 characters. Twitter is reported to have 500 million active users around the world. Many members of Congress tweet regularly. If you don’t have a Twitter account, signing up is easy.

- Visit http://www.twitter.com/ and click “sign up.” Follow the instructions until your account is created.
- If you have a twitter account, begin by “following” NSBA by going to the following website and clicking the “follow” button at the top of each page: National School Boards Association: https://twitter.com/NSBAComm
- Use the search feature at the top of your Twitter window to find your Representatives and Senators in Congress and then “follow” them as well. That way you will receive their “tweets” to keep up with what’s going on:
  - For example: If you live in Rep. John Smith’s district, you will want to search for “John Smith” in the search box since John Smith is your Representative in Congress. Your search results should yield the following website: https://twitter.com/johnsmith. Click “follow.” You can proceed to search for your Senators, and “follow” them as well.
- Once you have “followed” NSBA and your members of Congress, click “Home” on the top/left of your twitter page. This will bring you to your “News Timeline” where you can monitor the incoming tweets from the pages that you have “followed.”
- Make your voices heard through Twitter. Get involved by “tweeting” from your page.
- Share your advocacy message on public schools by using some of the following “hash tags” and “inclusions” in the text of your tweets: (Hashtags are words or phrases prefixed with a “#” sign for grouping posts together by topic or type. Similarly the “@” sign followed by a username is used for mentioning or replying to other users).
  - #education
  - #k12
  - #NCLB
  - @nsbacomm
- Spread NSBA’s advocacy message by “retweeting” it to your followers by clicking “retweet” at the bottom of the post.
Facebook

Facebook’s effect can be far reaching with over 900 million active users all over the world. It allows you to create a profile and communicate with friends and others, post messages, photos and videos. Many policymakers have public profiles on Facebook and monitor online activities regularly. These are some of the things you can consider doing with Facebook to promote public education:

- Create a Facebook account if you don’t already have one. Get started at www.facebook.com and sign up.
- Create a personal page where you can post messages and share links to advocate for public education with your network of friends.
- Visit NSBA’s Facebook page at https://www.facebook.com/SchoolBoards and be part of the online community by “liking” NSBA. Click the “like” button near the title of the page and you will receive NSBA’s posts in your newsfeed. Share the information on your own page with your friends.
- Share NSBA’s advocacy messages by visiting www.nsba.org/advocacy and click on the social media box on the top right corner of the page to share on your Facebook page. Encourage your network of friends to contact their policymakers to promote public education.
- Encourage others to contact their members of Congress to support education by sharing this link: http://www.nsba.org/Advocacy/Write-to-Congress on your Facebook page. You can access NSBA’s Legislative Action Center and participate in a call-to-action.
- Post the successes and challenges of your school district on your page to raise awareness of the importance of public education.
- Explore other Facebook applications. Try setting up an issue specific page to rally support and share information for issues that are important to your school district.

Part Six: Create a Larger Impact: Involve Local Media

The media can help shape public opinion and can be one of the most influential advocacy tools. When seeking effective media strategies keep the following in mind:

- **Stay local.** One strong article in your hometown newspaper may be worth ten in the *New York Times*.
- **Keep it focused.** Stick to one issue at a time.
- **Clip and send newspaper and magazine pieces to your member of Congress.** Send good articles to support your positions on federal issues or to support the need for federal action for funding or improvements.
• **Stick to what you know and never exaggerate.** You can always get back to reporters after finding the right answer.

• **Consider your unique perspective.** What can you tell a reporter to help educate him/her about an issue that they cannot learn about from other resources? Often reporters want more than just facts. You can provide context by interpreting facts and situations in terms of the impact on the schools in your community.

• **Don’t just say it—show it.** A demonstration or real-life testimonial goes a long way to illustrate your point and make it more colorful.

• **Build media relationships.** Get to know the education reporters and take the time to meet with editorial boards.

• **Put media relations in your federal advocacy policy.** Media relations should be a year-round function.

• **Appoint a press spokesperson for your school board.** This contact person must be fully informed about your federal advocacy agenda to know what to tell reporters and what to withhold from them.

• **Don’t forget your school system’s media outlets.** Take advantage of school district newsletters, publications, radio, and cable programs to educate and get others involved in your advocacy campaigns.

• **Take advantage of all the media outlets.** Congressional offices may read newspapers most often, but radio and television stations can have a powerful impact on public opinion and should not be overlooked.

*If you need any assistance or have any feedback to share, please contact Kathleen Branch, NSBA’s national advocacy services director at kbranch@nsba.org or 703.838.6735 or visit our campaign website at www.nsba.org/lobbyingguide2012*

Thank you for your advocacy efforts.
Appendix A: Fiscal Years 2012-2013 Appropriations For Education Programs
This chart highlights federal funding for select education programs from Fiscal Years 2010-2013. The third column reflects the Administration’s budget request to Congress for FY2013 funding. Columns four and five list Senate and House Appropriations Committee action for FY2013. The sixth column provides estimates of the impact of budget cuts to each program should the budget sequestration process occur in January 2013, as legislated by the Budget Control Act of 2011 (which would impose across-the-board cuts to both defense and non-defense programs, including education).

<table>
<thead>
<tr>
<th>Program</th>
<th>FY2012 Consolidated Appropriations H.R. 2055 (imposes a 0.189% across-the-board cut to most domestic programs)</th>
<th>FY2013 President’s Budget Request to Congress (2/13/12)</th>
<th>FY2013 Senate Appropriations Committee Mark (6/14/2012)</th>
<th>FY2013 House Appropriations Subcommittee Mark (7/18/12)</th>
<th>Impact of the Budget Control Act’s Across-the-Board Reductions (Sequestration) [subtracted from current FY2012 funding levels]</th>
</tr>
</thead>
</table>
| Title I grants for disadvantaged students | $14.516 billion                                                                                    | $14.516 billion                                        | $14.616 billion (proposed increase of $100 million)   | $14.516 billion                                        | -$1.2 billion  
*U.S. Dept. of Education |
<p>| Special Education (IDEA Part B)       | $11.577 billion                                                                                    | $11.577 billion                                        | $11.677 billion (proposed increase of $100 million)   | 12.1 billion                                           | -$900 million                                                                 |
| School Modernization                  | --                                                                                               | $25 billion                                            | --                                                   | --                                                     |                                                                                                         |
| Teacher Retention/Hiring              | --                                                                                               | Proposed as part of a $30 billion grant program for retention &amp; hiring of teachers and first responders | --                                                   | --                                                     |                                                                                                         |
| School Improvement Grants             | $533.5 million                                                                                    | $533.5 million                                        | $533.5 million                                       | $0                                                     | -$42.7 million                                                                 |
| Teacher Quality State Grants          | $2.466 billion                                                                                    | $2.466 billion (for an “Effective Teachers &amp; Leaders state grants, including a 25% set-aside that “would go toward creating and expanding high-performing pathways into teaching and school leadership, reducing shortages of science, technology, engineering and math (STEM) teachers, and investing in efforts to enhance the procession”) | $2.466 billion                                       | Not available                                          | -$197.3 billion                                                                 |</p>
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<th>FY2012 Consolidated Appropriations H.R. 2055 (imposes a 0.189% across-the-board cut to most domestic programs)</th>
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<td>One-time competitive grant funding for reforming the teaching profession</td>
<td>$5 billion (“in competitive funding to provide support to states and districts as they pursue bold reforms that can help better prepare, support and compensate teachers. The funds would allow states and districts to invest in the teaching profession while helping to drive reform that would reward effectiveness and performance.”)</td>
<td>--</td>
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</tr>
<tr>
<td>Presidential Teaching Fellows</td>
<td>$190 million (to “provide scholarships to…students who attend top-tier teacher preparation programs and commit to working in high-need schools”)</td>
<td>--</td>
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<tr>
<td>Impact Aid</td>
<td>$1.291 billion</td>
<td>$1.224 billion (would eliminate $67 million in payments for federal property to districts with losses of at least $10% of their tax bases because of federal acquisitions)</td>
<td>$1.291 billion</td>
<td>$1.311 billion</td>
<td>-$103 million</td>
</tr>
<tr>
<td>English Language Acquisition</td>
<td>$732 million</td>
<td>$732 million</td>
<td>$732 million</td>
<td>$732 million</td>
<td>-$58.6 million</td>
</tr>
<tr>
<td>Career &amp; Technical Ed.</td>
<td>$1.12 billion</td>
<td>$1.12 billion</td>
<td>$1.12 billion</td>
<td>$1.12 billion</td>
<td>-$89.6 million</td>
</tr>
<tr>
<td>McKinney-Vento Homeless Assistance</td>
<td>$65.2 million</td>
<td>$65.2 million</td>
<td>$65.2 million</td>
<td>Not available</td>
<td>-$5.2 million</td>
</tr>
<tr>
<td>Striving Readers</td>
<td>$159.6 million</td>
<td>$0</td>
<td>$159.6 million</td>
<td>Not available</td>
<td>$12.8 million</td>
</tr>
<tr>
<td>Teacher Incentive Fund</td>
<td>$299.4 million</td>
<td>$400 million (Teacher &amp; Leader Innovation Fund)</td>
<td>$299.4 million</td>
<td>$299.4 million</td>
<td>$24 million</td>
</tr>
<tr>
<td>Head Start</td>
<td>$7.98 billion</td>
<td>$8.05 billion</td>
<td>$8.039 billion (proposed increase of $70 million)</td>
<td>$8 billion</td>
<td>-$638.4 million</td>
</tr>
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<td>FY2012 Consolidated Appropriations H.R. 2055 (imposes a 0.189% across-the-board cut to most domestic programs)</td>
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<tr>
<td>21st Century Community Learning Centers</td>
<td>$1.151 billion</td>
<td>$1.151 billion</td>
<td>Not available</td>
<td>-$92 million</td>
<td></td>
</tr>
<tr>
<td>Race to the Top</td>
<td>$548.9 million (includes funding for early childhood education grants)</td>
<td>$850 million (includes funding for early childhood grants)</td>
<td>$600 million (proposed increase of $61 million)</td>
<td>$0</td>
<td>-$43.9 million</td>
</tr>
<tr>
<td>Investing in Innovation (i3)</td>
<td>$149.4 million</td>
<td>$150 million</td>
<td>$149.4 million</td>
<td>$0</td>
<td>-$12 million</td>
</tr>
<tr>
<td>High School Graduation Initiative</td>
<td>$48.81 million</td>
<td>$0 (would be consolidated into new $81.3 million College Pathways and Accelerated Learning program area)</td>
<td>$48.81 million</td>
<td>$0</td>
<td>-$3.9 million</td>
</tr>
<tr>
<td>School Counseling</td>
<td>$52.29</td>
<td>$0 (would be consolidated into new $95.9 million program area titled Successful, Safe &amp; Healthy Students)</td>
<td>$52.29 million</td>
<td>Not available</td>
<td>-$4.0 million</td>
</tr>
<tr>
<td>Early Learning Challenge Fund</td>
<td>$ included in Race to the Top allocation noted above of $548.9 million</td>
<td>Would be included in the $850 million Race to the Top program</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>Rural Education</td>
<td>$179.19 million</td>
<td>$179.19 million</td>
<td>$179.19 million</td>
<td>Not available</td>
<td>-$14.3 million</td>
</tr>
<tr>
<td>Promise Neighborhoods</td>
<td>$59.8 million</td>
<td>$100 million</td>
<td>$80 million (proposed $20 million increase)</td>
<td>$59.8 million</td>
<td>-$4.8 million</td>
</tr>
</tbody>
</table>
Founded in 1940, NSBA represents its State Association members and their more than 90,000 local school board members, virtually all of whom are elected. These local officials govern 13,809 local school districts serving the nation's 50 million public school students.

NSBA’s mission: Working with and through our State Associations, NSBA Advocates for Equity and Excellence in Public Education through School Board Leadership.

NSBA believes local school boards are the nation’s preeminent expression of grass roots democracy and that this form of governance of the public schools is fundamental to the continued success of public education.

NSBA represents the school board perspective in working with federal government agencies and national organizations that impact education, and provides vital information and services to state associations of school boards throughout the nation.