

September 23, 2008

Honorable James P. Moran
Member of Congress
2239 Rayburn HOB
Washington, DC 20515-4608

Via Fax 202-225-0017

Dear Congressman Moran:

We the undersigned organizations, representing critical elements of the state and local public school governance and administrative organizations, request that the 110th Congress take action to stop the enactment of pending regulatory changes (Notice of Proposed Rulemaking; Federal Register Vol. 73, No. 79) to the current iteration of the Elementary and Secondary Education Act, (ESEA).

Our respective organizations strongly advocate a comprehensive reauthorization of the Elementary and Secondary Education Act, not a piecemeal attempt to ameliorate the significant problems of the law. These regulations should be set aside until a new President and a new Congress have the opportunity to undertake a deliberate and systematic reauthorization of the law.

Further, in anticipation of a complete reauthorization by the 111th Congress, the Department of Education should refrain from establishing-at this late date and six years after Congress originally passed the legislation-any new requirements for states and local districts that are unnecessary, costly, confusing or administratively burdensome and that have little if any impact on improving student performance.

The regulatory rule change proposals continue a pattern of piecemeal regulation and new requirements in NCLB, placing states and localities in a continuous cycle of frustrating efforts to interpret, change policies, and implement directions from the U.S. Department of Education. It is likely that the Title I Regulations would be finalized in the late fall of 2008, well after the 2008-09 school year has begun, when states and local schools would be faced with implementing a series of uncoordinated policy changes.

Finally, the regulatory changes appear to be designed to effect statutory changes that had been proposed in the Department's NCLB reauthorization proposal "Building on Results" and ultimately dismissed by Congress.

We suggest two options: a moratorium on the Secretary of Education to prevent any actions to implement the NPR. This language could be similar to the language preventing the Department of Health and Human Services from disallowing school districts from providing Medicaid services to disabled students. The amended section would read thus:

ADDITIONAL MORATORIA-

- (A) IN GENERAL- Notwithstanding any other provision of law, the Secretary of Education shall not, prior to April 1, 2009, take any action (through promulgation of regulation, issuance of regulatory guidance, use of Federal payment audit procedures, or other administrative action, policy, or practice impose any regulatory changes or administrative guidance related to the implementation of the Notice of Proposed Rulemaking in Federal Register Vol. 73, No. 79.

The second option would be to prohibit the use of any funds to implement the proposed rule.

We stand ready to answer any questions that you may have regarding this request and appreciate your consideration of our concerns.

Sincerely,



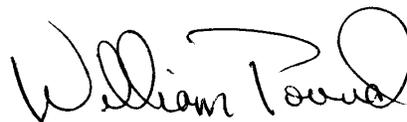
Bruce Hunter, Associate Executive Director
American Association of School Administrators



Michael A. Resnick, Associate Executive Director
National School Boards Association



Gail Connelly, Executive Director
National Association of Elementary School
Principals



William T. Pound, Executive Director
National Conference of State Legislatures



David Griffith, Director of Governmental and
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National Association of State Boards of
Education

