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July 31, 2017

M E M O R A N D U M

To: Jason Botel, Acting Assistant Secretary, Office of Elementary and Secondary Education
U.S. Department of Education
CC: Hannah Hodel, U.S. Department of Education
From: Stephen Parker, Legislative Director
National Governors Association
Re: Regulatory Feedback to the U.S. Department of Education on Office of Elementary and Secondary Education

On behalf of the nation's governors, we submit the following recommendations in response to your May 31st request seeking NGA's feedback to inform the U.S. Department of Education's (Department) efforts to evaluate regulations under the authority of the Office of Elementary and Secondary Education as required by Executive Order 13777, *Enforcing the Regulatory Reform Agenda*,

Revisions to Outdated Regulations

The majority of regulations under the Office of Elementary and Secondary Education address the Elementary and Secondary Education Act as amended by No Child Left Behind and do not reflect current law, the Every Student Succeeds Act (ESSA). Broadly, the Department should clearly delineate, in each current regulation, sections that are now void due to the passage of ESSA. The Department should also ensure that all K-12 non-regulatory guidance, grant opportunities and all documents related to elementary and secondary education only reference regulations that are valid under current law.

The National Governors Association also recommends that the Department revise existing regulations to provide states greater clarity around three key principles reflected in ESSA.

1. **Stakeholder Engagement.** ESSA requires stakeholder engagement by state education agencies in developing, implementing and sustaining a statewide vision for education that addresses the unique needs of each state. Governors bring a needed, broad perspective to the process through their role as chief executive and the highest profile elected official in the state. NGA recommends that the Department update existing regulations to reflect the role of stakeholder engagement established in ESSA and offers the following principles for revised regulations:
 - Stakeholder engagement should be reinforced throughout the ongoing administration of elementary and secondary federal education laws, not only in the development of state plans.
 - Regulations should include named stakeholders, aligned with those designated in ESSA, with whom the state education agency should meaningfully consult during implementation and administration of all elements of elementary and secondary education law, including:
 - The Governor;
 - Members of the State legislature;
 - Members of the State board of education (if applicable to the state);
 - Local educational agencies (including school boards);
 - Representatives of Indian tribes located in the State;
 - Teachers;
 - Principals and other school leaders;
 - Charter school leaders (if applicable to the state);
 - Specialized instructional support personnel;
 - Administrators (including district superintendents);
 - Paraprofessionals and other staff; and
 - Parents.