

# EFFECTIVE ADVOCACY

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# EFFECTIVE ADVOCACY

- General Principles:
  - The sooner the better
  - Organizations that speak for constituents
    - Voters
    - Advocacy organizations
    - School boards
    - State legislators

## EFFECTIVE ADVOCACY (CONT.)

- Target advocacy to:
  - Areas that can be influenced
    - Agencies cannot change laws
  - Be targeted
    - General dissatisfaction-> O
  - Recognize a new administration has a new agenda
  - Tailor positions to the new agenda

# WHY?

- Organizations/individuals often have specific policy interests or issues which can be addressed through specific legislation, regulations, or guidance
- Constitutional right to “petition the government for a redress of grievances”
- Senators and Representatives are there to represent YOU (make them work for it)

# WHO?

- Who should advocate?
  - Advocacy organizations (i.e. NASTID)
  - Local governmental SEA, LEA, School boards
    - Elected officials and/or boards – especially effective based on numbers
  - Professionals in their professional capacity bringing technical expertise
    - Caution: Restrictions on use of federal funds for lobbying and restrictions on tax exempt organizations
  - Individuals

# WHAT?

- What can be the target of effective advocacy?
  - Federal statutes (i.e. ESSA but also smaller laws)
    - Changes can only come from Congress
  - Federal funding/appropriations levels (Congress)
  - Federal regulations-must be formally changed (Agency)
  - Agency guidance, policy letters
  - Agency decisions- with restrictions

## WHERE? (CONT.)

- Washington D.C.
  - Home to many agency decision-makers
  - Offices of Representatives and Senators where policy staffers work
    - DC tends to be the office where policy staffers are housed
    - Remember, elected officials rely on staff work, especially for technical matters
    - However, home offices can be more intimate – use both
  - BUT! Cannot participate in lobbying if you are travelling using federal funds and restrictions on non-profits

## WHERE? (CONT.)

- At home in the Congressional district
  - Lawmakers spend lots of time in their home districts and this can be a good opportunity to meet directly with them
    - However, they may not have their policy staff with them (follow-up may be lackluster)-(see above re: staffers)
    - Check the congressional calendar for dates and times of “district work periods” (aka Congressional recess)



## WHERE? (CONT.)

- Remotely
  - Via solicitations for comments on the federal register
    - E.g. ED's recent solicitation for comments on what portions of ESSA need regulations/guidance in order to be clear
    - Comments on proposed rules
      - NCLB had 700 comments, ESSA had over 21,000!!
    - Note: Comments on proposed regulations which are filed through this system and are publicly available are not considered lobbying
    - Supplanting Regulations withdrawn

## WHERE? (CONT.)

- Via letter to agency staff/heads or Congressional delegation-less effective than face to face
  - Note: Large scale letter writing - especially form letters - not generally effective
- In-State
  - Periodic regional/local meetings and visits
    - E.g. ED's 1/19 public meeting regarding ESSA regulation in Los Angeles
- Negotiated Rulemaking
  - Get on committee or contact existing committee member

# WHEN?

- AS EARLY AS POSSIBLE
- Legislation
  - Discussions on legislation begin months or years before a major reauthorization is completed
  - Earlier discussions- and even agency action-can become a part of “legacy”
    - Attempts at ESEA reauthorization in 2007, 2011, 2013 informed ESSA
    - Final Alexander bill began with 2011 draft

## WHEN? (CONT.)

- Legislation
  - Waivers (e.g. States must identify the bottom 5% of schools for intervention as in priority/focus schools) and response to waivers (Alexander's pushback against waiver authority, requiring anything in exchange for waiver approval)
  - Members can lay groundwork for years before legislation is passed
    - E.g. Jared Huffman (D-CA) has a legislative portfolio full of work on education especially IDEA. Not a member of those committees now, but wants to be. And when he gets there, he wants to be regarded as a subject-matter expert.

## WHEN? (CONT.)

- Appropriations
  - Process starts in earnest in April for following fiscal year (starting in October)
  - Begin in March
  - Start talking to agencies (who help outline President's budget request) in January (his request is due to Congress in February)

## WHEN? (CONT.)

- Regulations
  - Easier to influence regulations when they are proposed than interim
  - Easier to influence interim than final
  - Far easier to influence regulations when they are being drafted than when they are established practice
  - If negotiated rulemaking – get on committee – this is “pre proposed”

## WHEN? (CONT.)

- Guidance
  - The earlier, the better
  - Guidance is rarely overturned by the same administration
    - Exception: IDEA LEA MOE, where guidance was changed in various letters after pressure from disability groups
    - ...and the implicit exception: when there's a new administration (see 2017)

# HOW?

- Target what you want to change
  - Agencies can't change- statute
  - Determine who can change it- only Congress for statutes
    - Regulation change requires agency rulemaking
  - Guidance can't overrule laws or regulations
  - Statute can sometimes overrule regulations or previous statute
    - E.g. ESSA implementation date
    - Congress reluctant to tinker with new law or agency rulemaking – however
    - Congressional Review Act
      - Congress can rescind regulations up to 60 previous legislative days



## HOW? (CONT.)

- Example:
  - Under ESSA, ED prohibited from requiring LEA to identify certain costs as supplemental under S-N-S
- Handy tip: If you're citing to USC, it's statute; if it's CFR, it's regulations

# IDENTIFY

- Congress
  - Statute and appropriations:
    - Always start at staff level
- Agency
  - Regulations and guidance

# IDENTIFY PERSONNEL SPECIFICALLY

- Your member of Congress?
- Another member of Congress from your State who is on the relevant committee?
- Committee chairs?
- Agency officials?
  - Secretary of Education is not going to initiate change- start with lower level officials
- Congressional/agency staff?
  - Less high-profile than members, but these are often the experts. A 1-hour meeting with staff can be more productive than a 5-minute meeting with a lawmaker

# TARGET THE REQUEST

- Need an “ask”
  - Don’t go into an office with just a problem and expect them to come up with a solution: bring expert analysis
  - Don’t go in with general dissatisfaction
    - Why did Congress do this?
    - The agency is treating me unfairly
  - Providing legislative/suggested regulatory language is even better!

# TARGET THE REQUEST (CONT.)

- Be realistic
  - What can be done?
  - Acknowledge obstacles (and try to have developed solutions)
  - Tailor to administration (new) priorities

# FOLLOW UP

- Check in
- Offer resources-build a relationship

# KEEP COMING BACK

- ESSA was more than 7 years in the making and took account of early NCLB dissatisfaction

**SAVE THE DATE!!!**



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