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COMMITTEE: DATA

POLICY: COMMON ACADEMIC STANDARDS

TYPE: POLICY DIRECTIVE

EXPLANATION: With passage of the Every Student Succeeds Act (ESSA), the federal government is now prohibited from mandating, directing, controlling, coercing, or exercising any direction or supervision over academic standards that the states develop and adopt. Thanks to the tireless and fierce advocacy efforts by state legislators and other state and local leaders, there is no longer a need for this policy directive, and the language in this Directive is no longer timely and members will consider a motion to repeal the Directive. However, the language asserting state legislative objection to federal interference is proposed to be added by amendment to the policy directive on State-Federal Partnerships in Elementary and Secondary Education, the conferences overarching policy directive on K-12 education.

State legislators support the voluntary-state standards initiatives so long as the initiatives remain voluntary, state-led and state-administered, and so long as the federal government does not overstep its role, and the U.S. Department of Education complies with its statutory authority and programs and does not condition the receipt of federal dollars on state participation in common standards efforts.

Past discussions regarding the creation of national standards or a national test have proven partisan, divisive and unsuccessful. Federal legislation creating the U.S. Department of Education prohibits direct federal involvement in a national test. Similar language in NCLB prohibits federal involvement in standards, assessments and curricula. These protections against federal involvement in state issues should be adhered to and continued. It is the position of the National Conference of State Legislatures that there is no authorized role for federal mandates regarding national academic standards or a unified national test.

State legislators support the need to improve elementary and secondary education so that all students have access to a challenging and rewarding public education. Students in our schools need rigorous state standards that are anchored in real world demands they will face after high school. K-12 curriculum, assessments, high school graduation requirements, college placement standards and other related policy tools and practices should be aligned to these standards. This can be most readily accomplished through individual state refinement of standards or the voluntary participation of states in joint...
efforts like the Common Core Initiative led by the National Governors Association and the Council of Chief State School Officers. The Common Core and other consortiums have worked diligently to develop a set of standards in Math and English that will enhance the standards set by many states. It is critical that such standards not represent a step backward for some states.
Elementary and secondary education policy is defined broadly by state constitutions, specified by state statutes and implemented by state agencies, school boards and local school districts. State legislators believe that the federal role should be as a supportive partner instead of the intrusive, and top-down role of recent years. A healthy state-federal partnership in the vital task of educating America’s children:

- Avoids unfunded and underfunded mandates, and fully funds federal requirements for education programs, activities, and reporting. It is both ineffective and unconstitutional to expect states to accomplish national goals that the federal government is not willing to fully fund. The policies and activities associated with federal education programs, regardless of federal funding levels, should be encouraged and not mandated. Further, federal reporting requirements should be reasonable and not require the use of funds that could otherwise be spent on program delivery. If a federal education program is not fully funded, the policies and activities should be encouraged but not mandated.

- Encourages state innovation. States are inherently more capable than the federal government of moving quickly to initiate or change policies, can be more sensitive to public needs, and can generate broader buy-in for policy changes from local school districts. State flexibility, in addition to being an effective means of making public services more cost effective, provides an opportunity for state legislators to integrate federal, state and local programs into a coordinated system.
Respects state law and avoids inappropriate federal preemption. Creative solutions to public problems can be achieved more readily when state laws are accorded due respect. Any attempt to preempt should be balanced against the potential loss of accountability, innovation and responsiveness. Unless a clear and compelling case for national uniformity exists, every effort should be made to allow state governments to respond without federal intervention to local conditions. The federal government should specifically restrain involvement in the following respects:

- State academic standards. State legislators support the adoption and implementation of high-quality and rigorous state academic standards as determined by state policymakers. The federal government should not—through legislative or regulatory action or funding opportunities—mandate, direct, control, coerce or incentivize states to adopt a national set of common academic standards. State participation in consortia and other multi-state collaborations should remain voluntary and the federal government should refrain from conditioning the receipt of grant funding upon adoption of common academic standards.

- State academic assessments. State legislators support the adoption and use of high-quality assessments aligned to state-determined academic standards. The federal government should not—through legislative or regulatory action or funding opportunities—mandate, direct, control, coerce or incentivize states to adopt a common assessment. State participation in consortia and other multi-state collaborations should remain voluntary, and the federal government should refrain from conditioning the receipt of grant funding upon adoption of a common assessment.

- Recognizes that K-12 education is predominantly a state and local financial and legal responsibility. Federal government spending is less than 10% of the
nationwide K-12 budget and should not be used to exercise a disproportionate impact on education policy at the state and local level.\textsuperscript{5}

Maximizes state flexibility to implement and administer federal programs through a streamlined waiver process. This is critical to ensure that states are not unduly burdened by federal regulation or legislation.

- Preserves and respects state flexibility to implementing and administering new block grants. If categorical federal education programs are consolidated into block grants, these grants should:
  - \textbf{Includes} legislative language stating that block grant funding should be expended "according to state law.
  - \textbf{Does not limit states} to the kinds of activities funded under corresponding block grants for past categorical programs.
  - \textbf{Provides} adequate federal funding to assure the continuation of services.
- Maintains steady resource streams, such as formula funding, as the primary funding source for state education aid.
- \textbf{Distributes} competitive grant funds, when appropriate, for targeted purposes, in a transparent and consistent process.
- \textbf{Respects} state budget processes. Federal funds should be incorporated into state budget processes for open hearings and deliberations. Federal funding going directly to state or sub-state bureaucracies or agencies should not bypass state legislative appropriations and oversight procedures.
- \textbf{Takes into consideration} state appropriation and legislative calendars. Sufficient time must be allowed for states to implement new federal legislation and regulation.
- \textbf{Maximizes state flexibility} to implement and administer federal programs through a streamlined waiver process. This is critical to ensure that states are not unduly burdened by federal regulation or legislation.

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• Provides opportunity for ongoing communication with and technical assistance from the federal government in lieu of federal regulatory action.

Acknowledges the constitutional and statutory authority over education policy that rests with the state legislatures by ensuring state legislators are represented in all “timely and meaningful” consultation requirements in the creation or reauthorization of any federal law relating to elementary and secondary education.