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With the passage of the Every Student Succeeds Act (ESSA) in December 2015, the United States Congress fixed issues with the well-intentioned No Child Left Behind law, including the test-and-punish model of accountability and the Adequate Yearly Progress (AYP) proficiency measure. ESSA puts much of the decision-making authority back into the hands of state and local policymakers. The National Conference of State Legislatures (NCSL) believes that the following principles for should be the basis of any federal action on implementation of the new law.

Consultation

- Ensure that the “timely and meaningful consultation” process on Title I plans is thorough and ongoing, honoring the constitutional and statutory authority over education policy that rests with state legislatures

- Support collaborative discussions on state and local education policy after the initial ESSA Title I plan is developed

Accountability

- Recognize that Congress passed a law that maintains safeguards to protect our most vulnerable students while also giving states and districts the flexibility to innovate and pursue meaningful change in accountability systems

- Understand that there is no single path forward on accountability. The federal government should therefore avoid drafting regulations that would restrict or mandate how states design their accountability systems, including by unnecessarily defining terms or assigning weights to indicators
Assessment

- Recognize the desire of states, districts, parents, students, and other stakeholders to lessen the burden of testing, while encouraging high quality assessments that accurately measure the achievement of all students and subgroups of students.

- Promote the innovative assessment pilot program in ESSA with an eye toward possible future expansion of the pilot and by ensuring that lessons learned from pilot states are broadly disseminated.

NCSL therefore calls upon the U.S. Department of Education to refrain from pursuing regulatory action that conflicts with the spirit and letter of the law as written by Congress. For example, the department should write regulations on supplement not supplant requirements that reflects the clear wording of the statute and the intent of Congress. The law seeks to allow states and districts to take charge of their educational systems, and excessive regulation would impede this effort.

NCSL appreciates ongoing communication and technical assistance in place of regulatory action and will continue to work with the U.S. Department of Education to provide insight into the informational needs of state legislators and legislative staff.

NCSL additionally encourages Congress to continue its oversight of ESSA’s implementation. We appreciate efforts to ensure that the spirit and letter of the law is followed and that states and districts are given the flexibility that Congress intended.

The nation’s legislators and legislative staff remain committed to ensuring that the Every Student Succeeds Act is implemented effectively. As demonstrated by our work with governors, state chiefs, state boards, parents, teachers, principals, superintendents, civil rights advocates, and many others, NCSL believes that a collaborative process can persevere during and beyond implementation and will produce the best results for all of our nation’s students.
The National Conference of State Legislatures (NCSL) supports early care and education and its benefits, especially in lessening the adverse effects of childhood poverty. Evidence shows that for all children these programs can help improve children’s intellectual and social performance in school and ultimately can help children achieve greater school success and possibly greater socioeconomic success and social responsibility.

State legislators have been in the forefront of efforts to create and improve opportunities for children. Many states have maximized the use of the state and federally funded Child Care Development Fund (CCDF) and used even more of their own funds to increase the supply, quality and safety of child care. States have voluntarily supplemented the federal Head Start program, and states have created their own pre-kindergarten programs. States have encouraged parental involvement to enhance children’s early learning experience. Several states have special initiatives to improve the training and compensation of early learning teachers, as well as other programs to enhance early learning. State legislators believe that a smooth transition between early learning programs and the K-12 education system is crucial to academic achievement.

NCSL supports federal efforts to improve early learning opportunities for young children. Efforts to support early learning must provide states with the flexibility to meet local needs. Constitutionally and historically, states are responsible for public education. States are accountable to their citizens for the results of public education and are committed to improving learning for all students and closing the achievement gap.

Any federal legislation must take into account current state fiscal conditions. Maintenance of effort requirements may make it difficult for states to take advantage of...
new federal funds when they face difficult decisions about how to fund all state services programs.

If the federal government expands its involvement in promoting early learning for young children before they enter school, these are the tenets on which such an effort should be built:

- Preservation of state flexibility, including maintaining the states’ authority to determine how the program is administered, evaluated and what population is served;
- Preservation of state authority;
- Avoidance of unfunded mandates;
- Support for flexibility that allows states to use ESEA Title I funds for children from birth to school entry, including professional development for early educators;
- Support for early learning challenge grants that assist the development of the statewide infrastructure of integrated early learning supports and services for children from birth through age five; and
- Support for research and evaluation of new state initiatives.

To establish such programs on a broader basis than is currently available through Head Start or other state and locally initiated programs may require an enhanced commitment from and partnership with the federal government. Any proposal to create a pool of federal funds for early learning programs must:

- Give states the opportunity to provide assistance to a range of early learning programs;
- Give states the opportunity to support initiatives to train and adequately compensate early learning providers;
• Allow states to supplement existing programs which already are improving children's early learning;

• Ensure state legislative authority to appropriate the funds;

• Use state-selected administrative structures;

• Ensure that state legislators are included in all aspects of these programs including advisory panels;

• Give states the opportunity to use a wide range of existing resources including, but not limited to, state and local funds that are not used to match another federal program, private funds, and in-kind contributions (facilities, equipment, and services) to match the federal funds;

• Allow eligibility requirements to be set at the state level; and

• Be flexible to allow states to meet the increased demand for early learning services.

It is especially important that efforts to support early learning programs complement but are not at the expense of efforts to expand CCDF. NCSL’s Policy Directive on Child Care details state priorities in CCDF.

**Head Start**

With the numbers of children in poverty increasing and the need for more child development/child care services for low-income families increasing, it is essential that Head Start be fully-funded to assure school readiness for all eligible children. It should be emphasized that parental involvement, which benefits both parents and children, is the critical component of Head Start. Additionally, staff development and training is critical for quality Head Start programs.

Head Start must be leveraged to support both school readiness and the needs of low income working families. NCSL supports:
• Improving educational opportunities for disadvantaged populations through greater coordination among Head Start, early childhood and child care programs, and elementary schools;

• Funding for quality and access;

• Allocating funding for training staff and enriching program curricula;

• Improving coordination of quality efforts in Head Start with state quality improvement efforts;

• Expanding opportunities for federal grantees to use Head Start funding to best meet the needs of communities in ways that complement state effort;

• Disseminating research findings from evaluations; and

• Encouraging legislative involvement in Early Childhood Advisory Councils.

If the option arises for states to have more control over Head Start and/or the authority to coordinate Head Start with other state early childhood education efforts, NCSL must be included in such deliberations.

Family Support and Parental Involvement

NCSL further recognizes that we cannot continue to treat family conditions as a matter separate from education and that such a focus is particularly important for younger children. Programs to support parents and family members as the first teachers of their children should be promoted and strengthened in both public and private sectors. NCSL supports efforts to expand community-based, including faith-based, state-federal partnerships to work with parents and caregivers to promote pre-literacy skills. Faith-based partnerships are an important resource to assist parents in their communities.

States continue to implement strategies to support parents with young children. A majority of states currently operate one or more home visiting programs to support parents, prevent child abuse, improve child development, identify delays or provide
referral to services. In some cases states are also supporting both home visiting and center-based approaches which have proven to improve child outcomes and pre-literacy skills. NCSL supports continued federal funding for these approaches:

- Funds should support state initiatives to implement a broad range of home visiting strategies and support new initiatives designed to make them more effective.

- Funds should not be limited to one approach or mandate specific administration but should allow for state flexibility in both design and implementation.

- The federal government can play an important role in supporting further research about effective programs and state pilots to test program options.
The nation’s legislators remind our federal partners of the increasingly complex and important role postsecondary education plays in maintaining and fostering a dynamic and productive economy. A strong higher education system supports individual financial success, provides a foundation for healthy state economies and ensures our nation’s position in a global economy. When students fall through the cracks, they do not achieve their full potential and neither does our country. The federal government has an important role to play in supporting low-income students, conducting research on innovation and productivity, monitoring national and regional programming efforts, and providing data and technical assistance to help states examine and analyze our institutions.

Accountability

Legislators strongly urge the federal government to defer to the states’ leadership in ensuring the quality of postsecondary education, and to facilitate state efforts to emphasize accountability. While the federal government has a role in monitoring national and regional accrediting bodies and loan providers, accountability of state higher education programs and institutions is and should remain a state issue. The federal government should support an interstate compact on delivering academic programming across state lines via the internet. The federal government can also support accountability standards for emerging forms of education delivery, whether provided by public or private not-for-profit institutions or proprietary ones, whether delivered as massive open online courses or other mechanisms. Ensuring students gain skills competency no matter the means used to obtain that competency will help states and the nation increase productivity, improve competitiveness, and prepare future generations of leaders and citizens.

Teacher Preparation
States have taken the lead in advocating for higher standards for teacher preparation and performance, and vigorously acted to improve assessments of quality. The National Conference of State Legislatures (NCSL) encourages the expansion of several programs embodied in the Higher Education Act and other federal legislation that focus on teacher quality. At the same time, NCSL insists that states be allowed to implement their own programs and be given the opportunity to demonstrate their effectiveness. The federal government must refrain from setting national standards.

Helping Students Succeed

Legislators are keenly aware that students benefit from a seamless progression encompassing preschool through postsecondary education. A growing number of states are looking at education as "P-16" rather than separate systems serving early education, K-12 and postsecondary education and updating or amending their statutes to facilitate this change. Important federal-state educational programs supported by the states, such as the Perkins Act programs and the TRIO program, must be better integrated with state postsecondary policy. The federal government has a significant role and responsibility in working with states and supporting state efforts in college readiness and providing research and technical assistance.

States, working with national foundations, institutions, and private partners, are implementing policies that focus on maintaining access to postsecondary education and improving student performance and outcomes. Congress and the administration should follow suit. Our country will remain internationally competitive if more high school age, non-traditional students, and working adults not only enroll in colleges and universities, but complete postsecondary credentials and degrees. Policies that further this ultimate outcome will help states prepare to meet our still-challenging economic situation and grow economically. As states continue to prioritize and address competing public needs, federal policy must acknowledge this reality by noting the difficulties states face in satisfying maintenance of effort requirements for important postsecondary programs. Reauthorization of the Higher Education Act (HEA) offers another opportunity to renew
this country’s commitment to accessible and affordable postsecondary education and
remove barriers encountered by a changing student population.

Student Aid

Increasingly the burden of higher education costs is borne by students and families.
This burden consists of significant educational debt by all students, whether program
graduates or drop-outs, whether attending public and private institutions. Crippling
educational debt slows any recovery and limits state economic growth. Reauthorization
efforts directing federal aid to students who need it most and helping them quickly
become productive members in their communities without substantial debt will help
local, state, and national economies. If federal aid is limited, there are fiscal impacts for
state-funded efforts to support students.

State legislators recognize that the student population is changing. Many students are
older and more are part-time. Congress should review Pell Grant award amounts to
guarantee that the purchasing value of this important grant does not continue to erode
and that it serves the broadest number of students, including adult students enrolled
part-time. The federal government should ensure adequate federal funding for the Pell
Grant program to help reduce dependency on student loans. For example, moving Pell
funding to the mandatory side of the federal budget, resuming “year round” Pell Grants
to summer enrollments, and reinstating a longer eligibility period (which will assist
nontraditional college students) are federal actions that can strengthen the program.
The federal government must also fundamentally simplify and streamline the process
for applying for federal financial aid. In considering the framework for student financial
assistance, the nation’s legislators urge the Congress to:

• continue to defer to state authority in regulating postsecondary tuition levels;
• support federal programs that complement state efforts to improve student
  participation in and completion of postsecondary education;
• design college savings incentives at the federal level so as to stimulate and complement, rather than preempt, similar policy initiatives by states and higher education institutions; and

• support particular student aid programs that serve state and national economic and workforce priorities; and

• facilitate the exchange of best practices around dual enrollment programs
As Congress discusses changes to federal laws that protect student data, the National Conference of State Legislatures (NCSL) recognizes the need to ensure that parents and students can trust that data collected as part of the educational experience is secure. State legislators, however, firmly believe that these efforts must preserve appropriate state and local flexibility. Possible changes to the Federal Educational Rights and Privacy Act (FERPA), as well as other legislation to regulate online providers of educational services, must provide opportunities to support state autonomy and local control in this area. Any federal action should:

- Support state capacity to safeguard data by providing technical assistance;
- Align the multiple federal laws that affect student data;
- Reduce the burden on states in terms of collecting and reporting data;
- Promote transparency of data collection;
- Build the capacity of all stakeholders to use data in a way that promotes educational purposes and allows for personalized or adaptive learning, but protects student privacy;
- Allow state legislative auditors and program evaluators access to student data, in a form determined by each state, in order to carry out their state constitutional and statutory duties to audit and evaluate educational programs; and
- Promote the building, maintaining and updating of state data infrastructure, including enhancing state longitudinal data systems.

The ways that educational data is collected and used could not have been envisioned when existing federal laws were first written in the 1970s. Everyone who has a stake in
education should be able to trust that individual student data such as attendance, course taking, grades and test scores, are being collected for legitimate purposes and kept safe, secure and private.