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State legislators have been in the forefront of efforts to create and improve early learning programs. Some states have maximized the use of the state and federally funded Child Care Development Fund (CCDF) and used even more of their state funds to increase the access, quality and effectiveness of early learning opportunities. Several states have special initiatives to improve the training and compensation of early learning teachers. 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 experiences and have supported efforts to ensure a smooth transition between early learning programs and the K-12 education systems.

The State-Federal Partnership in Early Learning

Federal efforts to expand or improve early learning opportunities for young children must:

- avoid unfunded mandates and preserve state authority;
- provide states the flexibility to meet local needs utilizing a wide range of early learning programs;
- avoid a state maintenance of effort requirement (MOE). If MOE is required, allow states to use a wide range of resources as match for federal dollars, such as state and local funds not used to match another federal program, private funds, and in-kind contributions such as facilities, equipment, and services;
- ensure that eligibility requirements are set at the state level;
- ensure state legislative authority to appropriate the funds; and
- include state legislators as appropriate on advisory panels.
**Existing Federal Programs**

Federal efforts to support early learning programs should not be made at the expense of efforts to expand the Child Care Development Fund (CCDF). NCSL’s Policy Directive on Child Care details state priorities in CCDF.

The federal Head Start program provides early learning services for low income families that foster school readiness. NCSL values the program’s emphasis on parental involvement, which can benefit both parents and children. State legislators should be included in any discussions of options that provide states the opportunity to have more control over the program or better coordinate Head Start with other state early learning efforts. To ensure high-quality outcomes in the Head Start program, NCSL supports:

- strong staff development and training;
- greater coordination among Head Start, early learning programs, and elementary schools;
- funding for both quality, access, and multiple providers;
- expanding opportunities for grantees to use Head Start funding to meet community; needs in ways that complement state efforts;
- disseminating research findings from evaluations; and
- encouraging legislative involvement in Early Childhood Advisory Councils.

**Family Support and Parental Involvement**

NCSL recognizes the vital role of parents, families, communities, and faith-based organizations in the healthy development of children and in creating systems of high-quality early learning in their states and local communities. NCSL supports states being provided maximum flexibility in using federal funds for early learning and to support a broad range of parent engagement strategies, such as home visiting programs and two-generation approaches, and to develop new early learning policies and initiatives that support parents and families to ensure that their children and all children are ready to learn.
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 nation's legislators and legislative staff are committed to its effective implementation.

The National Conference of State Legislatures (NCSL) believes that the following principles should be the basis of any federal action on the ongoing implementation of the new law:

**Consultation**

- Ensure that the “timely and meaningful consultation” process on Title I involved in the creation of, and any revisions to, state 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 ESSA 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 so 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.
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—e.g., attendance, course taking, grades and test scores—as part of the educational experience, is kept safe, secure and private. State legislators, however, firmly believe that these efforts must preserve appropriate state and local flexibility. Possible any efforts to changes to the Federal Educational Rights and Privacy Act (FERPA), as well as other legislation existing federal laws and regulations and efforts to regulate online providers of educational services related to the collection, storage and use of student data, must preserve state and local flexibility and provide opportunities to support state autonomy and local control in this area. Any federal action:

- 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.