

**NCSL Standing Committee on Education**

**POLICY DIRECTIVES AND RESOLUTIONS**

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1 **COMMITTEE:** EDUCATION

2 **POLICY:** FEDERAL EDUCATION RELIEF AID

3 **TYPE:** RESOLUTION

4 **WHEREAS**, state legislatures have the primary responsibility for funding and governing  
5 their state's K-12 and higher education systems; and

6  
7 WHEREAS, the Elementary and Secondary School Emergency Relief (ESSER) Fund  
8 provided historic amounts of one-time federal funds that gave school districts, rather  
9 than states, discretion over how to spend ninety percent of funds; and

10  
11 WHEREAS, school districts were granted unprecedented flexibility over how funds were  
12 spent; and

13  
14 WHEREAS, states were expressly prohibited from directing or restricting school district  
15 spending; and

16  
17 WHEREAS, school districts, by recent estimates, are expected to spend close to half of  
18 the total allocated local share of ESSER funds over the next year; and

19  
20 WHEREAS, any pressure to rapidly draw down of tens of billions in ESSER funds may  
21 exacerbate inflation and potentially encourage local spending without a clear plan for  
22 sustainability; and

23  
24 WHEREAS, a sudden and steep reduction in one-time funds, especially if spent on what  
25 are typically considered recurring expenses, could cause fiscal turmoil in school districts  
26 that state legislatures may be expected to respond to; and

27  
28 **WHEREAS**, each state has its own unique system for funding K-12 and higher  
29 education; and

30

31 **WHEREAS**, fiscal conditions can vary significantly across states, especially during  
32 times of national economic emergencies; and

33

34 **WHEREAS**, education is a significant part of state budgets, other compelling priorities  
35 may make demands on state resources while states respond to and recovery from  
36 emergencies; and

37

38 **WHEREAS**, Congress has included maintenance of effort provisions for both K-12 and  
39 higher education funding from fiscal year 2020 to fiscal year 2023 as a condition of a  
40 state receiving funds from the Elementary and Secondary School Emergency Relief  
41 (ESSER) Fund; and

42

43 **WHEREAS**, Congress has also included “maintenance of equity” provisions for K-12  
44 funding in fiscal years 2022 and 2023;

45

46 **NOW, THEREFORE BE IT RESOLVED**, the National Conference of State Legislatures  
47 believes unanticipated federal funding for education should not bypass state legislative  
48 appropriations processes and should allow state legislatures broad discretion in  
49 determining how those funds will best meet local and state education needs; and

50

51 **NOW, THEREFORE BE IT FURTHER RESOLVED**, the National Conference of State  
52 Legislatures believes Congress should extend the spending deadline for ESSER to  
53 December 31, 2026 in order to smooth the rate of school district spending, which could  
54 mitigate the inflationary impact of a rapid draw down of funds and give state legislatures  
55 more time to conduct oversight and evaluate whether and how certain ESSER  
56 expenditures could be sustained; and

57

58 **NOW, THEREFORE, BE IT FURTHER RESOLVED**, the National Conference of State  
59 Legislatures believes the U.S. Department of Education should implement an orderly  
60 and timely process for states and districts to request and receive permission for a late

61 [liquidation of funds well in advance of the ESSER III obligation deadline of September](#)  
62 [30<sup>th</sup>, 2024; and](#)

63

64 **NOW, THEREFORE, BE IT FURTHER RESOLVED**, the Secretary of Education should  
65 allow states the opportunity to seek waivers from the maintenance of effort and  
66 “maintenance of equity” provisions associated with the Elementary and Secondary  
67 School Emergency Relief (ESSER) Fund; and

68

69 **NOW, THEREFORE, BE IT FURTHER RESOLVED**, the National Conference of State  
70 Legislatures believes state fiscal requirements for education relief aid should only ask  
71 states to maintain aggregate funding levels or serve as a guide for how states can make  
72 cuts to education if facing revenue declines.

73

74 **NOW, THEREFORE, BE IT FURTHER RESOLVED**, the National Conference of State  
75 Legislatures believes state fiscal requirements should not be used to compel states to  
76 make fiscal or policy decisions beyond the purposes enumerated above, which includes  
77 requiring states to increase funding for education or distribute funds to local education  
78 agencies by methods other than a state’s statutorily defined school funding formula.

79

80 **BE IT FINALLY RESOLVED**, that NCSL send a copy of this resolution to Members of  
81 Congress and the U.S. Department of Education.

1 **COMMITTEE:** **EDUCATION**

2 **POLICY:** **SCHOOL SAFETY AND STUDENT MENTAL HEALTH**

3 **TYPE:** **DIRECTIVE**

4 Youth mental health, along with school safety and security, are perennial challenges  
5 faced by our nation. State legislatures recognize the need for increased school safety  
6 for children and educators in their state, as well as the increasing demand for mental  
7 health services and support.

8

9 State legislators see the federal government as a partner in supporting school security  
10 and the safeguarding of student mental health. State legislators firmly believe that the  
11 best structure for this partnership is a collaborative approach between the federal  
12 government and the states, consisting of federal funding and other means of support  
13 that are flexible enough to allow state legislatures to directly leverage these resources  
14 where they are most needed. State legislatures are best positioned to be responsive to  
15 the unique needs of their constituents.

16

17 The federal government should not mandate or incentivize specific strategies or  
18 approaches to school security and student mental health. When emergencies warrant  
19 the swift provision of federal resources to support school security and student mental  
20 health, funds should be distributed through existing programs or provided through  
21 flexible block grants to states.

1 **COMMITTEE: EDUCATION**

2 **POLICY: NCSL AFFIRMS IMPORTANCE OF CIVIC EDUCATION**

3 **TYPE: MEMORIAL RESOLUTION**

4 The National Conference of State Legislatures (NCSL) recognizes that voter turnout in  
5 the United States lags behind that of other countries, with approximately 60%  
6 participation in presidential elections and only 40% in midterm election years. To  
7 address this challenge and increase voter turnout over the long term, cultivating social  
8 and political engagement among students is a crucial strategy.

9

10 NCSL has been committed to promoting and supporting civic education and learning.  
11 NCSL established the Trust for Representative Democracy, and through this initiative  
12 sponsored the Legislators Back to School Week, fostering engagement between  
13 lawmakers and students. Over time, NCSL has produced a variety of materials,  
14 including educational resources on the legislative process, and the podcast "Building  
15 our Democracy". NCSL has conducted extensive training for legislators, both  
16 domestically and abroad, in partnership with the US State Department, media, and the  
17 general public, focusing on the legislative and elections processes. NCSL is also a  
18 proud member of the CivXNow Coalition, a collective of over 250 organizations  
19 dedicated to promoting civic education.

20

21 Civic education plays a fundamental role in preparing and encouraging students to  
22 actively participate in the public and political life of their communities. By engaging in  
23 civics, students learn to identify and understand social problems, evaluate potential  
24 solutions, distinguish evidence-based claims from opinions, and take meaningful action  
25 based on what they have learned. This preparation fosters the development of a robust  
26 and healthy civil society.

27

28 Moreover, civic education is essential for the functioning of a democratic republic,  
29 particularly in relation to the legislative function and the creation of sound laws that  
30 enjoy the support and engagement of an informed citizenry. By equipping individuals

31 with knowledge about their rights, responsibilities, and the inner workings of  
32 government, civic education empowers them to actively contribute to the democratic  
33 process and effectively advocate for their communities.

34

35 In conclusion, NCSL remains committed to promoting civic education as an  
36 indispensable component of a vibrant democracy. By continuing our work in this field,  
37 collaborating with legislators, educators, and partners, and actively participating in  
38 national conversations and events, we strive to create a more informed, engaged, and  
39 participatory citizenry that ensures the vitality and strength of our democratic  
40 institutions.

1 **COMMITTEE:** **EDUCATION**

2 **POLICY:** **THE STATE-FEDERAL PARTNESHIP IN ELEMENTARY**  
3 **AND SECONDARY EDUCATION**

4 **TYPE:** **DIRECTIVE**

5 Elementary and secondary education policy is defined broadly by state constitutions,  
6 specified by state statutes and implemented by state agencies, school boards and local  
7 school districts. State legislators believe that the federal role should be as a supportive  
8 partner instead of an intrusive, top-down role. A healthy state-federal partnership in the  
9 vital task of educating America’s children:

10

- 11 • Avoids unfunded and underfunded mandates, and fully funds federal  
12 requirements for education programs, activities, and reporting. It is both  
13 ineffective and unconstitutional to expect states to accomplish national goals that  
14 the federal government is not willing to fully fund. The policies and activities  
15 associated with federal education programs, regardless of federal funding levels,  
16 should be encouraged and not mandated. Further, federal reporting requirements  
17 should be reasonable and not require the use of funds that could otherwise be  
18 spent on program delivery.
- 19 • Encourages state innovation. States are inherently more capable than the federal  
20 government of moving quickly to initiate or change policies, can be more  
21 sensitive to public needs and can generate broader buy-in for policy changes  
22 from local school districts. State flexibility, in addition to being an effective means  
23 of making public services more cost effective, provides an opportunity for state  
24 legislators to integrate federal, state and local programs into a coordinated  
25 system.
- 26 • Respects state law and avoids inappropriate federal preemption. Creative  
27 solutions to public problems can be achieved more readily when state laws are  
28 accorded due respect. Any attempt to preempt should be balanced against the  
29 potential loss of accountability, innovation and responsiveness. Unless a clear  
30 and compelling case for national uniformity exists, every effort should be made to



31 allow state governments to respond without federal intervention to local  
32 conditions. The federal government should specifically restrain involvement in the  
33 following respects:

- 34 ○ State academic standards. State legislators support the adoption and  
35 implementation of high-quality and rigorous state academic standards as  
36 determined by state policymakers. The federal government should not--  
37 through legislative or regulatory action or funding opportunities--mandate,  
38 direct, control, coerce or incentivize states to adopt a national set of  
39 common academic standards. State participation in consortia and other  
40 multi-state collaborations should remain voluntary and the federal  
41 government should refrain from conditioning the receipt of grant funding  
42 upon adoption of common academic standards.
- 43 ○ State academic assessments. State legislators support the adoption and  
44 use of high-quality assessments aligned to state-determined academic  
45 standards. The federal government should not--through legislative or  
46 regulatory action or funding opportunities--mandate, direct, control, coerce  
47 or incentivize states to adopt a common assessment. State participation in  
48 consortia and other multi-state collaborations should remain voluntary,  
49 and the federal government should refrain from conditioning the receipt of  
50 grant funding upon adoption of a common assessment.
- 51 • Recognizes that K-12 education is predominantly a state and local financial and  
52 legal responsibility. Federal government spending is less than 10% of the  
53 nationwide K-12 budget and should not be used to exercise a disproportionate  
54 impact on education policy at the state and local level.
- 55 • State legislatures have plenary authority over their systems of finance for  
56 elementary and secondary education. Federal grants should not be conditioned  
57 in any way that would alter or amend a state's school finance methodology.
- 58 • Preserves and respects state flexibility to implement and administer new block  
59 grants. If categorical federal education programs are consolidated into block  
60 grants, these grants should:

- 61           ○ Include legislative language stating that block grant funding should be
- 62           expended according to state law,
- 63           ○ Not limit states to the kinds of activities funded under corresponding block
- 64           grants for past categorical programs, and
- 65           ○ Provide adequate federal funding to assure the continuation of services.
- 66       • Maintains steady resource streams, such as formula funding, as the primary
- 67       funding source for state education aid.
- 68       • Distributes competitive grant funds, when appropriate, for targeted purposes, in a
- 69       transparent and consistent process.
- 70       • Respects state budget processes. Federal funds should be incorporated into
- 71       state budget processes for open hearings and deliberations. Federal
- 72       funding going directly to state or sub-state bureaucracies or agencies should not
- 73       bypass state legislative appropriations and oversight procedures. Takes into
- 74       consideration state appropriation and legislative calendars. Sufficient time must
- 75       be allowed for states to implement new federal legislation and regulation.
- 76       • Maximizes state flexibility to implement and administer federal programs through
- 77       a streamlined waiver process. This is critical to ensure that states are not unduly
- 78       burdened by federal regulation or legislation.
- 79       • Provides opportunity for ongoing communication with and technical assistance
- 80       from the federal government in lieu of federal regulatory action.

81

82 Acknowledges the constitutional and statutory authority over education policy that rests

83 with the state legislatures by ensuring state legislators are represented in all “timely and

84 meaningful” consultation requirements in the creation or reauthorization of any federal

85 law relating to elementary and secondary education.

86