

**NCSL STANDING COMMITTEE on EDUCATION
POLICY DIRECTIVES AND RESOLUTIONS**

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1 **COMMITTEE: EDUCATION**

2 **POLICY: THE STATE-FEDERAL PARTNERSHIP IN**
3 **POSTSECONDARY EDUCATION**

4 **TYPE: DIRECTIVE** (amendments on lines 40-42, 74-78,
5 114-115, 128-131, 141-144, 146 are directly
6 adapted from existing resolution “Reauthorization of
7 the Higher Education Act”, which will sunset;
8 amendment on line 148-152 is sponsored by Alaska
9 Senator Tobin)

10 Reauthorization of the Higher Education Act (HEA) offers another opportunity to renew
11 this country’s commitment to accessible and affordable postsecondary education and
12 remove barriers encountered by a changing student population. A strong higher
13 education system supports individual financial success, provides a foundation for
14 healthy state economies and ensures our nation’s position in a global economy. When
15 students fall through the cracks, they do not achieve their full potential and neither does
16 our country. The federal government has an important role to play in supporting low-
17 income students, conducting research on innovation and productivity, monitoring
18 national and regional programming efforts, and providing data and technical assistance
19 to help states examine and analyze our institutions.

20

21 **Postsecondary Affordability**

22 Reauthorization efforts directing federal aid to students who need it most and helping
23 them quickly become productive members in their communities without substantial debt
24 will help local, state, and national economies. If federal aid is limited, there are fiscal
25 impacts for state-funded efforts to support students.

26

27 The federal government should ensure adequate federal funding for the Pell Grant
28 program to help reduce dependency on student loans. Congress should review Pell
29 Grant award amounts to guarantee that the purchasing value of this important grant

30 does not continue to erode and consider moving Pell funding to the mandatory side of
31 the federal budget. Congress should also ensure Pell serves the broadest number of
32 students, including adult students enrolled part-time.

33 The federal government should continue to reduce barriers or obstacles that may
34 prevent students from applying for federal financial aid. Students and their families
35 should be able to complete the FAFSA in a timely manner and their financial aid data
36 should be promptly reported to states and institutions. Each annual FAFSA should be
37 thoroughly vetted and tested before it is made publicly available on its statutorily
38 required deadline of October 1.

39

40 **A reauthorized Higher Education Act should better support students' understanding of**
41 **the costs of higher education by requiring universities to communicate financial aid**
42 **through a standardized offer letter and creating a universal net price calculator.**

43

44 If Congress considers a new grant program to create a state-federal funding partnership
45 in higher education, the nation's legislators remind Congress that states are primarily
46 responsible for funding and governing their higher education systems. While each state
47 has different traditions and goals for its higher education institutions, all institutions
48 participate in a national higher education marketplace that crosses state lines. Congress
49 must recognize this by ensuring that any new affordability programs can benefit
50 students and institutions of all types in all states and territories. Broad state participation
51 should be a fundamental goal of any state-federal partnership.

52

53 A state-federal funding partnership in higher education must:

- 54 • provide funding to states in block grants that allow states the flexibility to
55 distribute funds across institutions and state financial aid programs;
- 56 • Avoid a state maintenance of effort requirement (MOE). As states continue to
57 prioritize and address competing public needs, federal policy must acknowledge
58 this reality by noting the fiscal constraints states face in satisfying maintenance of
59 effort requirements for important postsecondary programs. If MOE is required,
60 allow states to use a wide range of resources as match for federal dollars, such

61 as state and local funds not used to match another federal program. MOEs
62 should be constructed to provide legislatures certainty they will comply with MOE
63 provisions when budgeting for the upcoming fiscal year;

- 64 • continue to defer to state authority in regulating postsecondary tuition levels;
- 65 • ensure that eligibility requirements are set at the state level; and
- 66 • ensure state legislative authority to appropriate the funds.

67
68 The federal government should design college savings incentives at the federal level so
69 as to stimulate and complement, rather than preempt, similar policy initiatives by states
70 and higher education institutions. Legislators support student aid programs that serve
71 state and national economic and workforce priorities.

72
73 **Accountability**
74 A reauthorized Higher Education Act should emphasize federal efforts to promote
75 transparency and improvement in higher education, rather than pursue expansive
76 affordability or accountability policies, in order to help states and higher education better
77 understand student outcomes and take action to address circumstances where those
78 outcomes fall short of expectations. Legislators strongly urge the federal government to
79 defer to the states' leadership in ensuring the quality of postsecondary education, and to
80 facilitate state efforts to emphasize accountability. While the federal government has a
81 role in monitoring national and regional accrediting bodies, accountability of state higher
82 education programs and institutions is and should remain a state issue. The federal
83 government should continue to support state authorization reciprocity agreements,
84 which support expanded access to quality postsecondary distance learning
85 opportunities nationwide. The terms of state authorization reciprocity agreements
86 should be managed at the discretion of participating states and federal involvement
87 should be minimal and complementary. States, not the federal government, should
88 determine the governance arrangements of any authorization reciprocity agreement.

89
90 **Teacher Preparation**

91 States have taken the lead in advocating for higher standards for teacher preparation
92 and performance, and vigorously acted to improve assessments of quality. As such, the
93 federal government must refrain from setting national standards. The National
94 Conference of State Legislatures (NCSL) encourages the expansion of several
95 programs embodied in the Higher Education Act and other federal legislation that
96 focuses on teacher quality. States should be included as eligible applicants or
97 encouraged as partners in federal grant projects, so that grant programs can be
98 developed with statewide goals in mind and best practices can be shared broadly.

99

100 **Student Success**

101 Our country will remain internationally competitive if more high school age, non-
102 traditional students, and working adults not only enroll in colleges and universities, but
103 complete postsecondary credentials and degrees. Ensuring students gain skills
104 competency no matter the means used to obtain that competency will help states and
105 the nation increase productivity, improve competitiveness, and prepare future
106 generations of leaders and citizens. States, working with national foundations,
107 institutions, and private partners, are implementing policies that focus on maintaining
108 access to postsecondary education and improving student performance and outcomes.
109 NCSL supports federal programs that complement state efforts to improve student
110 participation in and completion of postsecondary education. Legislators welcome federal
111 efforts, such as the College Scorecard, that provide prospective students with accurate
112 information on college costs and institution- and program-level student outcomes.
113 Increased transparency is critical to ensuring students are able to make informed
114 postsecondary choices. **A reauthorized Higher Education Act should seek to improve
115 the accuracy of student outcomes in federal data collection.**

116

117 Legislators are keenly aware that students benefit from a seamless progression
118 encompassing preschool through postsecondary education. A growing number of states
119 are looking at education as “P-16” rather than separate systems serving early
120 education, K-12 and postsecondary education and updating or amending their statutes
121 to facilitate this change. Important federal-state educational programs supported by the

122 states, such as the Perkins Act programs and the TRIO program, must be better
123 integrated with state postsecondary policy. The federal government has a significant
124 role and responsibility in working with states and supporting state efforts in college
125 readiness and providing research and technical assistance. Legislators welcome federal
126 efforts to facilitate the exchange of best practices around dual enrollment programs.

127

128 A reauthorized Higher Education Act should better support student success by providing
129 greater access to TRIO programs for non-traditional students and increasing meaningful
130 work-based opportunities through the Federal Work-Study program, including allowing
131 students to work for federal Head Start programs.

132

133 **Student Loans**

134 Increasingly the burden of higher education costs is borne by students and families.
135 This burden consists of significant educational debt held by students and their families.
136 Crippling education debt slows any recovery and limits state economic growth.
137 Congress and the U.S. Department of Education should ensure that loan repayment
138 and forgiveness programs are managed and administered in a manner that facilitates
139 successful repayment and receipt of authorized benefits for borrowers.

140

141 A reauthorized Higher Education Act should better support students' understanding of
142 the costs of borrowing by requiring students to engage in annual loan counseling with
143 enhanced disclosure requirements and notifying students of their uptake of federal aid
144 relative to cumulative limits.

145

146 State legislators urge Congress to clarify, through bipartisan agreement, the role and
147 goals of the student loan program and assess the design of loan terms and benefits for
148 borrowers, including loan limits, repayment assistance, and forgiveness options. As the
149 federal government implements new loan limits for graduate and Parent PLUS loans,
150 NCSL urges Congress to permit institutions to inform students and families of loan
151 programs that are authorized, established, or chartered under State law or otherwise
152 approved by the State.

153

154 The federal government should also recognize that many states now play a role in
155 ensuring borrowers are treated fairly and receive appropriate consumer protections. The
156 federal government should engage in collaborative federalism with states around
157 providing consumer protections to borrowers and conducting oversight of student loan
158 servicers.

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COMMITTEE: EDUCATION

POLICY: URGING PROMPT ALLOCATION OF FEDERAL EDUCATION FUNDING TO STATES

TYPE: RESOLUTION (renewal of existing resolution, updated with NCSL committee staff edits)

WHEREAS, NCSL's directive on "The State-Federal Partnership in Elementary and Secondary Education" states that a "healthy state-federal partnership ... Maintains steady resource streams, such as formula funding, as the primary funding source for state education aid"; and

WHEREAS, the U.S. Department of Education has traditionally announced allocations for the upcoming school year by July 1 and states and districts have come to rely on this date for budget planning; and

WHEREAS, in 2025 the Office of Management and Budget withheld more than \$6 billion in formula funding to states until July 25. The programs affected accounted for between 10 and 20 percent of federal support to states for elementary and secondary education; and

WHEREAS, the Consolidated Appropriations Act, 2026 included a new provision requiring state education formula funds to be distributed to states on the date funds are available for obligation, which is generally understood to be July 1 at the latest; and

WHEREAS, the Department of Education has signed 14 Interagency Agreements to move key functions of the Department to other agencies, including moving most K-12 formula grant programs to the Department of Labor and special education programs to the Department of Health and Human Services; and

29 **WHEREAS**, the Department of Labor and the Department of Health and Human
30 Services uses different grant management systems and processes than the Department
31 of Education; and

32
33 **WHEREAS**, the first Interagency Agreement moving career and technical education
34 programs to the Department of Labor resulted in administrative challenges at state
35 education agencies and delayed receipt of federal funding;

36
37 **WHEREAS**, delays in funding allocations create fiscal uncertainty for states and school
38 districts; and

39
40 **WHEREAS**, **delays** may result in schools scaling back or ending education programs
41 and letting go of teachers and support staff who had committed to teach in the
42 upcoming school year;

43
44 **NOW, THEREFORE BE IT RESOLVED**, the National Conference of State Legislatures
45 urges the U.S. Office of Management and Budget and the U.S. Department of
46 Education to **seamlessly** allocate funding for federal education formula grant programs
47 in accordance with federal statute to minimize the disruption to the education of
48 students across the states; and

49
50 **BE IT FINALLY RESOLVED**, that NCSL should send a copy of this resolution to the
51 U.S. Office of Management and Budget and the U.S. Department of Education.

1 **COMMITTEE: EDUCATION**

2 **POLICY: FEDERAL FUNDING FOR SPECIAL EDUCATION**

3 **TYPE: DIRECTIVE** (amendment sponsored by Alaska
4 Senator Tobin)

5 The nation's legislators support equal opportunity for all citizens and support the
6 purposes and spirit of the Education for All Handicapped Children Act of 1975. This law
7 and its subsequent amendments mandate that states provide a free and appropriate
8 education (FAPE) and procedural safeguards for all children with disabilities without
9 regard to costs incurred by the states and local school districts.

10

11 The original federal special education law and its subsequent amendments include a
12 provision that authorizes the federal government to fund 40 percent of the average per
13 pupil expenditures (APPE) in K-12 nationwide, an estimate at the time of the excess
14 cost for educating a special education student that the federal government would bear.
15 Since its enactment, the federal government has appropriated funds at levels between 8
16 and 17 percent of APPE. Congress attempted to address this issue in the
17 reauthorization of the Individuals with Disabilities Education Act in 2004 by setting
18 voluntary spending targets in a “glide path” to full funding by 2011. However, Congress
19 failed to appropriate the authorized level of funds, and states received \$57.1 billion less
20 than they would have had if Congress had kept its commitment.

21

22 Federal support for special education is critical. State and federal laws and regulation,
23 combined with the extensive and increasingly complex case law that has developed
24 around special education, have made the practice of delivering services to students with
25 disabilities complex and costly for states and communities. In fact, recent reports
26 indicate that actual spending for special education services is 95 percent above APPE –
27 not 40 percent.

28

29 Furthermore, the nation’s legislators support increased federal support for state-run
30 early intervention programs through the Individuals with Disabilities Education Act
31 (IDEA). Part C of the Act, which was implemented nationwide in 1986, covers infants
32 and children with developmental delays or disabilities from birth to their 3rd birthday.
33 Increased federal funding for IDEA Part C will result in more young children with
34 developmental delays receiving health care and therapy services. Early intervention is
35 crucial for the long-term health and well-being of our most vulnerable youth, and it is far
36 less costly than waiting. A child served through the Infant Learning Program costs one-
37 tenth as much as it takes to provide equivalent services after age three. Increased
38 federal support will help ensure that children who need services can get them before
39 delays compound and costs grow.

40

41 Given these circumstances, NCSL strongly urges Congress to appropriate the moneys
42 to fully fund the 40 percent of APPE statutorily authorized in Part B of IDEA **and to**
43 **increase annual funding for Part C of IDEA to support state-run early intervention**
44 **programs for children from birth to age three.** One way for Congress to strengthen its
45 commitment to special education would be to move the Part B allotments for special
46 education from the discretionary to the mandatory side of the federal budget.

1 **COMMITTEE: EDUCATION**

2 **POLICY: SUPPORTING THE FEDERAL ROLE IN**
3 **EDUCATION DATA AND RESEARCH**

4 **TYPE: RESOLUTION** (sponsored by Washington Rep.
5 Santos and Oregon Senator Sollman)

6 **WHEREAS**, the United States' global competitiveness relies on state educational
7 systems functioning at the highest level; and

8
9 **WHEREAS**, state legislatures have the primary responsibility for funding and governing
10 their state's K-12 and higher education systems; and

11
12 **WHEREAS**, state legislatures depend on data from all states to be reviewed, analyzed,
13 and made available by the U.S. Department of Education; and

14
15 **WHEREAS**, states and schools are required by federal law to choose evidence-based
16 programs, organized into three tiers based on the strength of research findings, for
17 school improvement activities; and

18
19 **WHEREAS**, Federal support for education research and innovation can help states
20 learn about best practices and understand which reforms or interventions are most
21 effective; and

22
23 **WHEREAS**, Federal research funding can and should respond to state education
24 priorities; and

25
26 **WHEREAS**, state policymakers rely on transparent data that allows for state-level
27 comparisons; and

28
29 **WHEREAS**, only the U.S. Department of Education has access to data from all 50
30 states and the ability to communicate that data on a national scale; and

31

32 **WHEREAS**, state funds are limited and most likely to be spent directly supporting
33 schools, leaving states unable to replicate federal research efforts on their own; and

34

35 **WHEREAS**, federal investments in research also allow all states to benefit from national
36 studies, rather than relying solely on studies conducted by individual states; and

37

38 **WHEREAS**, data from the National Assessment of Educational Progress, Integrated
39 Postsecondary Data System, Condition of Education report, Digest of Education
40 Statistics, and the College Scorecard are useful tools that provide critical insights to
41 states on student outcomes, student experiences, and school performance.

42

43 **NOW, THEREFORE BE IT RESOLVED**, the National Conference of State Legislatures
44 urges Congress to support the federal role in education data and research by ensuring
45 funding necessary for the effective administration of the National Assessment of
46 Educational Progress, the National Center for Education Research, the National Center
47 on Education Statistics, the National Center for Educational Evaluation and Regional
48 Assistance, the National Center for Special Education Research, and all their subsidiary
49 organizations.

50

51 **NOW, THEREFORE BE IT FURTHER RESOLVED**, the National Conference of State
52 Legislatures urges the administration, the Office of Management and Budget, and the
53 U.S. Department of Education to spend appropriated amounts as directed by Congress
54 and ensure the staffing levels necessary for the effective administration of the National
55 Assessment of Educational Progress, the National Center for Education Research, the
56 National Center on Education Statistics, the National Center for Educational Evaluation
57 and Regional Assistance, the National Center for Special Education Research, and all
58 their subsidiary organizations.

1 **COMMITTEE: EDUCATION**

2 **POLICY: STUDENT HOMELESSNESS**

3 **TYPE: RESOLUTION** (sponsored by Alaska Sen. Tobin)

4 **WHEREAS**, homelessness is a traumatic experience that can have negative long-term
5 consequences, especially for children and young adults.

6
7 **WHEREAS**, education systems across the United States are uniquely positioned to help
8 disrupt the cycle of housing instability for students and their families.

9
10 **WHEREAS**, public schools identified and enrolled over 1.5 million students
11 experiencing homelessness during the 2023-2024 school year, which is the largest
12 number on record and 28 percent above the previous two school years.

13
14 **WHEREAS**, student homelessness creates distinct barriers to education that result in
15 higher chronic absence rates and lower high school graduation rates compared to other
16 low-income students.

17
18 **WHEREAS**, the lack of a high school degree or GED is the single greatest risk factor for
19 experiencing homelessness as a young adult.

20
21 **WHEREAS**, the McKinney-Vento Act's Education for Homeless Children and Youth
22 Program removes barriers to education by helping school districts identify, enroll, and
23 support children and youth experiencing homelessness.

24
25 **NOW, THEREFORE, BE IT RESOLVED**, to help more children and youth experiencing
26 homelessness succeed in school and avoid homelessness, states, municipalities, and
27 school districts require increased funding for the Education for Homeless Children and
28 Youth Program.

29

30 **NOW, THEREFORE, BE IT FURTHER RESOLVED**, dedicated funding through the
31 Education for Homeless Children and Youth Program should be preserved and
32 strengthened, including by increasing the flexibility of funds to support a wide range of
33 allowable services that help identify, enroll, stabilize, and support children, youth, and
34 families experiencing homelessness.

35

36 **NOW, THEREFORE, BE IT FINALLY RESOLVED**, as the federal government
37 considers how to improve educational outcomes for all students, it should prioritize
38 funding through the McKinney-Vento Act's Education for Homeless Children and Youth
39 program, which is the only federal program that addresses the unique barriers caused
40 by homelessness, including for students who are displaced by natural disasters.

1 **COMMITTEE: EDUCATION**

2 **POLICY: STUDENT DATA PRIVACY**

3 **TYPE: DIRECTIVE** (amendments sponsored by Hawaii
4 Representative Perruso)

5 The National Conference of State Legislatures (NCSL) recognizes the need to ensure
6 that parents and students can trust that data collected—e.g., attendance, course taking,
7 grades and test scores—as part of the educational experience, is kept safe, secure and
8 private. State legislators firmly believe that any efforts to change federal laws and
9 regulations related to the collection, storage and use of student data, must preserve
10 state and local flexibility and provide opportunities to support state autonomy and local
11 control in this area.

12

13 Any federal action must:

- 14 • Support state capacity to safeguard data by providing technical assistance,
15 **cybersecurity support, and data governance resources.**
- 16 • Align **and modernize** the multiple federal laws that affect student data **while**
17 **preserving state authority to adopt stronger privacy protections.**
- 18 • Reduce the burden on states in terms of collecting and reporting data.
- 19 • Promote transparency of data collection **regarding what student information is**
20 **collected, how it is used, who may access it, how long it is retained, and whether**
21 **it is shared with third parties.**
- 22 • Build the capacity of all stakeholders to use data in a way that promotes
23 educational purposes and allows for personalized or adaptive learning, but
24 protects student privacy.
- 25 • Allow state legislative auditors and program evaluators and other appropriate
26 legislative staff access to student data, in a form determined by each state, in
27 order to carry out their state constitutional and statutory duties to audit and
28 evaluate educational programs.

- 29 • Promote the building, maintaining and updating of state data infrastructure,
30 including enhancing state longitudinal data systems.

31

32 **Data Sharing**

33 Advances in educational technology, artificial intelligence, digital learning platforms, and
34 longitudinal data systems have increased both the opportunities and risks associated
35 with student data collection and use. States must retain the authority to establish
36 privacy protections and governance standards that reflect the needs of their
37 communities.

38

39 NCSL encourages any federal action to ensure that:

- 40 • Student data collection, retention, and sharing should be limited to information
41 reasonably necessary for legitimate educational, administrative, safety,
42 accountability, or research purposes
- 43 • Students and families should be protected from the sale, monetization,
44 behavioral advertising use, or other commercial exploitation of student data
- 45 • Student information should not be treated as a commercial asset and that
46 appropriate transparency, human oversight, and accountability should govern the
47 use of artificial intelligence and other emerging technologies in educational
48 settings