

**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 submitted from existing
5 resolution “Supporting States During FAFSA Challenges”,
6 which will sunset)

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

17

18 **Postsecondary Affordability**

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

23

24 The federal government should ensure adequate federal funding for the Pell Grant
25 program to help reduce dependency on student loans. Congress should review Pell
26 Grant award amounts to guarantee that the purchasing value of this important grant
27 does not continue to erode and consider moving Pell funding to the mandatory side of
28 the federal budget. Congress should also ensure Pell serves the broadest number of
29 students, including adult students enrolled part-time.

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

36
37 If Congress considers a new grant program to create a state-federal funding partnership
38 in higher education, the nation's legislators remind Congress that states are primarily
39 responsible for funding and governing their higher education systems. While each state
40 has different traditions and goals for its higher education institutions, all institutions
41 participate in a national higher education marketplace that crosses state lines. Congress
42 must recognize this by ensuring that any new affordability programs can benefit
43 students and institutions of all types in all states and territories. Broad state participation
44 should be a fundamental goal of any state-federal partnership.

45
46 A state-federal funding partnership in higher education must:

- 47 • provide funding to states in block grants that allow states the flexibility to
48 distribute funds across institutions and state financial aid programs;
- 49 • Avoid a state maintenance of effort requirement (MOE). As states continue to
50 prioritize and address competing public needs, federal policy must acknowledge
51 this reality by noting the fiscal constraints states face in satisfying maintenance of
52 effort requirements for important postsecondary programs. If MOE is required,
53 allow states to use a wide range of resources as match for federal dollars, such
54 as state and local funds not used to match another federal program. MOEs
55 should be constructed to provide legislatures certainty they will comply with MOE
56 provisions when budgeting for the upcoming fiscal year;
- 57 • continue to defer to state authority in regulating postsecondary tuition levels;
- 58 • ensure that eligibility requirements are set at the state level; and
- 59 • ensure state legislative authority to appropriate the funds.

60

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

65

66 **Accountability**

67 Legislators strongly urge the federal government to defer to the states' leadership in
68 ensuring the quality of postsecondary education, and to facilitate state efforts to
69 emphasize accountability. While the federal government has a role in monitoring
70 national and regional accrediting bodies, accountability of state higher education
71 programs and institutions is and should remain a state issue. The federal government
72 should continue to support state authorization reciprocity agreements, which support
73 expanded access to quality postsecondary distance learning opportunities nationwide.
74 The terms of state authorization reciprocity agreements should be managed at the
75 discretion of participating states and federal involvement should be minimal and
76 complementary. States, not the federal government, should determine the governance
77 arrangements of any authorization reciprocity agreement.

78

79 **Teacher Preparation**

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

88

89 **Student Success**

90 Our country will remain internationally competitive if more high school age, non-
91 traditional students, and working adults not only enroll in colleges and universities, but

92 complete postsecondary credentials and degrees. Ensuring students gain skills
93 competency no matter the means used to obtain that competency will help states and
94 the nation increase productivity, improve competitiveness, and prepare future
95 generations of leaders and citizens. States, working with national foundations,
96 institutions, and private partners, are implementing policies that focus on maintaining
97 access to postsecondary education and improving student performance and outcomes.
98 NCSL supports federal programs that complement state efforts to improve student
99 participation in and completion of postsecondary education. Legislators welcome federal
100 efforts, such as the College Scorecard, that provide prospective students with accurate
101 information on college costs and institution- and program-level student outcomes.
102 Increased transparency is critical to ensuring students are able to make informed
103 postsecondary choices.

104
105 Legislators are keenly aware that students benefit from a seamless progression
106 encompassing preschool through postsecondary education. A growing number of states
107 are looking at education as “P-16” rather than separate systems serving early
108 education, K-12 and postsecondary education and updating or amending their statutes
109 to facilitate this change. Important federal-state educational programs supported by the
110 states, such as the Perkins Act programs and the TRIO program, must be better
111 integrated with state postsecondary policy. The federal government has a significant
112 role and responsibility in working with states and supporting state efforts in college
113 readiness and providing research and technical assistance. Legislators welcome federal
114 efforts to facilitate the exchange of best practices around dual enrollment programs.

115

116 **Student Loans**

117 Increasingly the burden of higher education costs is borne by students and families.
118 This burden consists of significant educational debt held by students and their families.
119 Crippling education debt slows any recovery and limits state economic growth.
120 Congress and the U.S. Department of Education should ensure that loan repayment
121 and forgiveness programs are managed and administered in a manner that facilitates
122 successful repayment and receipt of authorized benefits for borrowers. In light of the

123 rapidly increasing costs of the federal student loan program, state legislators urge
124 Congress to clarify the role and goals of the student loan program and assess the
125 design of loan terms and benefits for borrowers, including loan limits, repayment
126 assistance, and forgiveness options.

127

128 The federal government should also recognize that many states now play a role in
129 ensuring borrowers are treated fairly and receive appropriate consumer protections. The
130 federal government should engage in collaborative federalism with states around
131 providing consumer protections to borrowers and conducting oversight of student loan
132 servicers.

1 **COMMITTEE: EDUCATION**

2 **POLICY: URGING PROMPT ALLOCATION OF FY25 FEDERAL**
3 **EDUCATION FUNDING TO STATES**

4
5 **TYPE: RESOLUTION** (sponsored by Committee Co-Chairs
6 Nevada Senator Dondero Loop and Montana
7 Representative Jones)

8 **WHEREAS**, NCSL’s directive on “The State-Federal Partnership in Elementary and
9 Secondary Education” states that a “healthy state-federal partnership ... Maintains
10 steady resource streams, such as formula funding, as the primary funding source for
11 state education aid”; and
12

13 **WHEREAS**, Congress appropriated annual funding for programs authorized by the
14 Elementary and Secondary Education Act (ESEA) through a fiscal year 2025 continuing
15 resolution, which was signed into law on March 15, 2025; and
16

17 **WHEREAS**, the U.S. Department of Education has traditionally announced allocations
18 for the upcoming school year by July 1 and states and districts have come to rely on this
19 date for budget planning; and
20

21 **WHEREAS**, the Department of Education has already announced fiscal year 2025
22 allocations for the ESEA Title I program and state grants through the Individuals with
23 Disabilities Education Act; and
24

25 **WHEREAS**, the Department of Education recently announced on June 30 “Given the
26 change in Administrations, the Department is reviewing the FY 2025 funding for the
27 [Title I-C, II-A, III-A, IV-A, IV-B] grant program(s), and decisions have not yet been made
28 concerning submissions and awards for this upcoming academic year. Accordingly, the
29 Department will not be issuing Grant Award Notifications obligating funds for these
30 programs on July 1 prior to completing that review.”; and
31

32 **WHEREAS**, programs undergoing ongoing review amount to more than \$6 billion in
33 funding and include support for teacher professional development, English learners,
34 student academic enrichment, summer and afterschool programs, and migrant
35 education; and

36
37 **WHEREAS**, these programs amount to between 10 and 20 percent of federal support to
38 states for elementary and secondary education; and

39
40 **WHEREAS**, further delays in funding allocations create fiscal uncertainty for states and
41 school districts as the new school year begins; and

42
43 **WHEREAS**, an extended period of review and withholding may result in schools scaling
44 back or ending education programs and letting go of teachers and support staff who had
45 committed to teach in the upcoming school year;

46
47 **NOW, THEREFORE BE IT RESOLVED**, the National Conference of State Legislatures
48 urges the U.S. Office of Management and Budget and the U.S. Department of
49 Education to expedite its review of federal education formula grant programs and
50 promptly allocate funding for these programs to minimize the disruption to the education
51 of students across the states; and

52
53 **NOW, THEREFORE BE IT FURTHER RESOLVED**, the federal government should
54 communicate and consult with state legislatures should it continue to withhold funds so
55 that states can understand the rationale for its review and its anticipated timeline for
56 completing that review; and

57
58 **BE IT FINALLY RESOLVED**, that NCSL should send a copy of this resolution to the
59 U.S. Office of Management and Budget and the U.S. Department of Education.

1 **COMMITTEE: EDUCATION**

2 **POLICY: FEDERAL EDUCATION RELIEF AID**

3 **TYPE: RESOLUTION (renewal)**

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**, the American Rescue Plan Act also included \$800 million in funding for
12 Homeless Children and Youth (ARP-HCY) to remove barriers to enrollment and
13 attendance in school; and

14
15 **WHEREAS**, school districts were granted unprecedented flexibility over how funds were
16 spent; and

17
18 **WHEREAS**, states were expressly prohibited from directing or restricting school district
19 spending; and

20
21 **WHEREAS**, any pressure to rapidly draw down stimulus funds may exacerbate inflation
22 and potentially encourage local spending without a clear plan for sustainability; and

23
24 **WHEREAS**, a sudden and steep reduction in one-time funds, especially if spent on
25 what are typically considered recurring expenses, could cause fiscal turmoil in school
26 districts 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

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

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

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

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

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

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

NOW, THEREFORE, BE IT FURTHER RESOLVED, the National Conference of State Legislatures believes the U.S. Department of Education should implement an orderly 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 and ARP-HCY obligation deadline
62 of September 30th, 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 **NOW, THEREFORE, BE IT FURTHER RESOLVED**, that to help more children and
81 youth experiencing homelessness, states, municipalities, and school districts need
82 additional sustained funding and flexibility in how and when to use federal funding
83 dedicated to children and youth homelessness.

84

85 **NOW, THEREFORE, BE IT FURTHER RESOLVED**, that as the federal government
86 considers how to sustain the supports offered to states and schools through the ESSER
87 fund, it should prioritize funding through the McKinney-Vento Act Education for Homeless
88 Children and Youth program, which helps school districts identify and support children
89 and youth experiencing homelessness.

90

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

1 **COMMITTEE: EDUCATION**

2 **POLICY: REAUTHORIZATION OF THE HIGHER EDUCATION**
3 **ACT**

4 **TYPE: RESOLUTION (renewal)**

5 **WHEREAS**, Congress has not reauthorized the Higher Education Act (HEA) since
6 2008; and

7

8 **WHEREAS**, student loan debt has nearly tripled since that time and total debt for
9 graduate education has steadily increased and surpassed undergraduate debt; and

10

11 **WHEREAS**, higher education remains a great investment for many, yet nearly one third
12 of borrowers have debt but no degree and more than 7 million borrowers are in default;
13 and

14

15 **WHEREAS**, annual federal spending on loan repayment has recently surpassed annual
16 spending on need-based financial aid through the Pell Grant; and

17

18 **WHEREAS**, almost all of the significant federal policies on higher education have been
19 enacted through regulations from the U.S. Department of Education since the last HEA
20 reauthorization; and

21

22 **WHEREAS**, federal policymaking that relies heavily on regulation creates an unstable
23 policy environment for states and higher education, as administrations have engaged in
24 a pattern of rewriting or rescinding previous rules, or courts have temporarily blocked or
25 overturned rules; and

26

27 **WHEREAS**, federal regulation is not well-designed to proactively achieve state and
28 federal goals for better outcomes in higher education;

29

30 **NOW, THEREFORE**, the National Conference of States Legislatures calls on Congress
31 to reauthorize the Higher Education Act on a bipartisan basis to clarify and articulate
32 anew the role of the federal government in supporting the affordability of higher
33 education and advancing better student outcomes; and

34

35 **NOW, THEREFORE, BE IT RESOLVED**, that a reauthorized Higher Education Act
36 should emphasize federal efforts to promote transparency and improvement in higher
37 education, rather than pursue expansive affordability or accountability policies, in order
38 to help states and higher education better understand student outcomes and take action
39 to address circumstances where those outcomes fall short of expectations; and

40

41 **NOW, THEREFORE, BE IT FURTHER RESOLVED**, that a reauthorized Higher
42 Education Act must clarify and articulate the role and goals of the student loan program,
43 especially as it relates to loan terms, loan limits, repayment assistance, and
44 forgiveness; and

45

46 **NOW, THEREFORE, BE IT FURTHER RESOLVED**, that a reauthorized Higher
47 Education Act should better support students' understanding of the costs of higher
48 education by: requiring universities to communicate financial aid through a standardized
49 offer letter, creating a universal net price calculator, requiring students to engage in
50 annual loan counseling with enhanced disclosure requirements; notifying students of
51 their uptake of federal aid relative to cumulative limits; improving the accuracy of
52 student outcomes in federal data collection; and

53

54 **NOW, THEREFORE, BE IT FURTHER RESOLVED**, that a reauthorized Higher
55 Education Act should better support student success by: providing greater access to
56 TRIO programs for non-traditional students, increasing meaningful work-based
57 opportunities through the Federal Work-Study program, including allowing students to
58 work for federal Head Start programs.

59

60 **BE IT FINALLY RESOLVED**, that NCSL send a copy of this resolution to Members of
61 Congress, including the Chairs, Ranking Members, and members of the Senate Health,
62 Education, Labor, and Pensions Committee and the House Committee on Education
63 and the Workforce.

1 **COMMITTEE: EDUCATION**

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

3 **TYPE: MEMORIAL RESOLUTION** (renewal sponsored by
4 Hawaii Representative Perruso)

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

10

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

21

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

28

29 Moreover, civic education is essential for the functioning of a democratic republic,
30 particularly in relation to the legislative function and the creation of sound laws that

31 enjoy the support and engagement of an informed citizenry. By equipping individuals
32 with knowledge about their rights, responsibilities, and the inner workings of
33 government, civic education empowers them to actively contribute to the democratic
34 process and effectively advocate for their communities.

35

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

1 **COMMITTEE: EDUCATION**

2 **POLICY: STUDENT ATHLETE COMPENSATION**

3 **TYPE: DIRECTIVE** (submitted for committee review without
4 amendment, adopted in 2021)

5 In 2019, California became the first state to pass legislation that would allow student
6 athletes compensation for the use of their name, image, or likeness (NIL). The laws
7 would allow students in varying ways to sign endorsement deals, earn money for public
8 appearances, sell autographs or other items, and enter deals with companies for
9 marketing purposes. Over half of the states have taken similar action since then.
10 Numerous bills have been introduced in Congress that would provide a system for how
11 student athletes can negotiate contracts and otherwise profit off their NIL. NCSL urges
12 consultation with the states on all these issues.

13
14 NCSL strongly supports the ability of the states to determine the best system for their
15 student athletes. NCSL opposes any efforts by Congress to preempt state laws that
16 provide earning rights to students and believes that any federal legislation should be
17 complementary to state laws.