

**NCSL Standing Committee on Education**

**POLICY DIRECTIVES AND RESOLUTIONS**

**2022 NCSL Summit**

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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**, each state has its own unique system for funding K-12 and higher  
8 education; and

9  
10 **WHEREAS**, fiscal conditions can vary significantly across states, especially during  
11 times of national economic emergencies; and

12  
13 **WHEREAS**, while education is a significant part of state budgets, other compelling  
14 priorities may make demands on state resources ~~while~~ when states respond to and  
15 recovery from emergencies; and

16  
17 **WHEREAS**, Congress has included maintenance of effort provisions for both K-12 and  
18 higher education funding from fiscal year 2020 to fiscal year 2023 as a condition of a  
19 state receiving funds from the Elementary and Secondary School Emergency Relief  
20 (ESSER) Fund; and

21  
22 **WHEREAS**, Congress has also included “maintenance of equity” provisions for K-12  
23 funding in fiscal years 2022 and 2023; and

24  
25 ~~**NOW, THEREFORE**~~ **WHEREAS**, the Secretary of Education ~~should~~ has allowed states  
26 the opportunity to seek waivers from the maintenance of effort and variances from  
27 “maintenance of equity” provisions associated with the Elementary and Secondary  
28 School Emergency Relief (ESSER) Fund; and

29

30 **NOW, THEREFORE, BE IT RESOLVED**, the National Conference of State Legislatures  
31 believes ~~s that state~~ fiscal requirements for federal education relief aid should ~~only~~ ask  
32 states only to maintain aggregate funding levels ~~or serve as a guide for how, provide~~  
33 guidance on how to make cuts to education to those states facing revenue declines, can  
34 make cuts to education if facing revenue declines; provided that and grant waivers from  
35 the maintenance of effort and exceptions to the "maintenance of equity" provisions  
36 associated with the Elementary and Secondary School Emergency Relief (ESSER)  
37 Funds be granted to states in state fiscal year 2022 and state fiscal year 2023 for  
38 those states enacting elementary and secondary education budgets with aggregate  
39 funding that maintains or exceeds pre-pandemic levels; and

40  
41 **NOW, THEREFORE, BE IT FURTHER RESOLVED**, the National Conference of State  
42 Legislatures believes ~~s that state~~ federal fiscal requirements should not ~~be used to~~  
43 compel states to make fiscal or policy decisions beyond the purposes enumerated  
44 above, which includes requiring states to increase funding for education or to distribute  
45 funds to local education agencies by methods other than a state's statutorily defined  
46 school funding formula; ~~and~~.

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

53  
54 **BE IT FINALLY RESOLVED**, that NCSL send a copy of this resolution to Members of  
55 Congress and the U.S. Department of Education.

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

2 **POLICY:** **SCHOOL SAFETY**

3 **TYPE:** **RESOLUTION**

4 **WHEREAS**, since the 1999 Columbine High massacre, over 300 school shootings have  
5 been reported resulting in more than 180 children, educators, and other people  
6 murdered and more than 300 injured; and

7  
8 **WHEREAS**, on May 24, 2022, a mass shooting at Robb Elementary School in Uvalde,  
9 Texas took the lives of 19 students and 2 educators; and

10  
11 **WHEREAS**, the shockwaves of this horrific act of violence were not limited to the Great  
12 State of Texas; the people of the entire United States mourn the 21 innocent lives lost in  
13 this unimaginable yet palpably real tragedy; and

14  
15 **WHEREAS**, one of the primary roles of government is stewardship over the future of  
16 our society and our nation, which is represented by our nation’s youth; as such, it is  
17 incumbent upon those in public office to provide adequate resources for the protection  
18 of our future; and

19  
20 **WHEREAS**, one of the most critical challenges facing future generations is the rising  
21 mental health crisis in our nation and around the world, and its contributing effect to the  
22 current escalation of violence; and

23  
24 **WHEREAS**, in light of these recent incidents of violence, school safety and security are  
25 now especially at the forefront of our nation’s concerns; and

26  
27 **WHEREAS**, state legislatures are more responsive to the needs of their constituents  
28 and are more aware of the need for increased school safety for children and educators  
29 in their state, as well as the increasing demand for mental health services and support;

30 therefore, state legislatures are aware of the best methods to achieve these dual goals  
31 within their unique areas; and

32

33 **WHEREAS**, therefore, this body finds it fitting and proper that state legislatures be  
34 equipped with any and all resources necessary to address the dual crises of school  
35 security and mental health;

36

37 **NOW, THEREFORE, BE IT RESOLVED**, that the National Conference of State  
38 Legislatures supports federal action resulting in the issuance of federal funding and  
39 resources to support school security and the safeguarding of student mental health; and

40

41 **NOW, THEREFORE, BE IT FURTHER RESOLVED**, that the National Conference of  
42 State Legislatures firmly believes that the best structure for this endeavor is a  
43 collaborative approach between the federal government and the states, consisting of  
44 federal funding and other means of support which are flexible enough to allow state  
45 legislatures to directly leverage these resources where they are most direly needed; and

46

47 **NOW, THEREFORE, BE IT FURTHER RESOLVED**, that when emergencies warrant  
48 the swift provision of federal funding and resources to support school security and  
49 student mental health, that such funds are distributed through existing programs or  
50 provided through flexible block grants to states; and

51

52 **NOW, THEREFORE, BE IT FURTHER RESOLVED**, that the National Conference of  
53 State Legislatures believes that the federal government should not mandate or  
54 incentivize specific strategies or approaches to school security and student mental  
55 health; and

56

57 **BE IT FINALLY RESOLVED**, that the National Conference of State Legislatures directs  
58 that a copy of this resolution be delivered to Members of Congress and the U.S.  
59 Department of Education.