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

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

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; and

NOW, THEREFORE, the Secretary of Education should allow states the opportunity to seek waivers from the maintenance of effort and variances from “maintenance of equity” provisions associated with the Elementary and Secondary School Emergency Relief (ESSER) Fund; and
NOW, THEREFORE, BE IT RESOLVED, the National Conference of State Legislatures believes that state-fiscal requirements for federal education relief aid should only ask states only to maintain aggregate funding levels or serve as a guide for how, provide guidance on how to make cuts to education to those states facing revenue declines, can make cuts to education if facing revenue declines; provided that and grant waivers from the maintenance of effort and exceptions to the "maintenance of equity" provisions associated with the Elementary and Secondary School Emergency Relief (ESSER) funds be granted to states in state fiscal year 2022 and state fiscal year 2023 for those states enacting elementary and secondary education budgets with aggregate funding that maintains or exceeds pre-pandemic levels; and

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

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

BE IT FINALLY RESOLVED, that NCSL send a copy of this resolution to Members of Congress and the U.S. Department of Education.
WHEREAS, since the 1999 Columbine High massacre, over 300 school shootings have been reported resulting in more than 180 children, educators, and other people murdered and more than 300 injured; and

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

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

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

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

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

WHEREAS, state legislatures are more responsive to the needs of their constituents and are more aware of the need for increased school safety for children and educators in their state, as well as the increasing demand for mental health services and support;
therefore, state legislatures are aware of the best methods to achieve these dual goals within their unique areas; and

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

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

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

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

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

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