

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

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

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

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

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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

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

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

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30 **NOW, THEREFORE, BE IT RESOLVED**, the National Conference of State Legislatures
31 believe state fiscal requirements for education relief aid should only ask states to
32 maintain aggregate funding levels or serve as a guide for how states can make cuts to
33 education if facing revenue declines.

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35 **NOW, THEREFORE, BE IT FURTHER RESOLVED**, the National Conference of State
36 Legislatures believe state fiscal requirements should not be used to compel states to
37 make fiscal or policy decisions beyond the purposes enumerated above, which includes
38 requiring states to increase funding for education or distribute funds to local education
39 agencies by methods other than a state's statutorily defined school funding formula.

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41 **NOW, THEREFORE, BE IT FURTHER RESOLVED**, the National Conference of State
42 Legislatures believe unanticipated federal funding for education should not bypass state
43 legislative appropriations processes and should allow state legislatures broad discretion
44 in determining how those funds will best meet local and state education needs.

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

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