NCSL Standing Committee on Education

POLICY DIRECTIVES AND RESOLUTIONS

2021 NCSL Summit
Tampa, Florida

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Committee: Education
Policy: The State-Federal Partnership in Postsecondary Education
Type: Directive (Proposed Amendments)

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

Postsecondary Affordability

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

The federal government should ensure adequate federal funding for the Pell Grant program to help reduce dependency on student loans. Congress should review Pell Grant award amounts to guarantee that the purchasing value of this important grant does not continue to erode and consider moving funding to the mandatory side of the federal budget. Congress should also ensure Pell serves the broadest number of students, including adult students enrolled part-time. The federal government should...
continue to reduce barriers or obstacles that may prevent students from applying for federal financial aid.

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

A state-federal partnership in higher education must:

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

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

Legislators strongly urge the federal government to defer to the states’ leadership in ensuring the quality of postsecondary education, and to facilitate state efforts to emphasize accountability. While the federal government has a role in monitoring national and regional accrediting bodies and loan providers, accountability of state higher education programs and institutions is and should remain a state issue. The federal government should continue to support an interstate compact-state authorization reciprocity agreements, which support expanded access to quality postsecondary distance learning opportunities nationwide, on delivering academic programming across state lines via the internet. The federal government can also support accountability standards for emerging forms of education delivery, whether provided by public or private not-for-profit institutions or proprietary ones, whether delivered as massive open online courses or other mechanisms. Ensuring students gain skills competency no matter the means used to obtain that competency will help states and the nation increase productivity, improve competitiveness, and prepare future generations of leaders and citizens.

Teacher Preparation

States have taken the lead in advocating for higher standards for teacher preparation and performance, and vigorously acted to improve assessments of quality. As such, the federal government must refrain from setting national standards. The National Conference of State Legislatures (NCSL) encourages the expansion of several programs embodied in the Higher Education Act and other federal legislation that focus on teacher quality. States should be included as eligible applicants or encouraged as partners in federal grant projects, so that grant programs can be developed with statewide goals in mind and best practices can be shared broadly. At the same time, NCSL insists that states be allowed to implement their own programs and be given the opportunity to demonstrate their effectiveness. The federal government must refrain from setting national standards.

Helping Students Succeed

Student Success
Our country will remain internationally competitive if more high school age, non-traditional students, and working adults not only enroll in colleges and universities, but complete postsecondary credentials and degrees. Ensuring students gain skills competency no matter the means used to obtain that competency will help states and the nation increase productivity, improve competitiveness, and prepare future generations of leaders and citizens. States, working with national foundations, institutions, and private partners, are implementing policies that focus on maintaining access to postsecondary education and improving student performance and outcomes. NCSL supports federal programs that complement state efforts to improve student participation in and completion of postsecondary education. Legislators welcome federal efforts, such as the College Scorecard, to provide prospective students with accurate information on college costs and institution- and program-level student outcomes. Increased transparency is critical to ensuring students are able to make informed postsecondary choices. Legislators are keenly aware that students benefit from a seamless progression encompassing preschool through postsecondary education. A growing number of states are looking at education as “P-16” rather than separate systems serving early education, K-12 and postsecondary education and updating or amending their statutes to facilitate this change. Important federal-state educational programs supported by the states, such as the Perkins Act programs and the TRIO program, must be better integrated with state postsecondary policy. The federal government has a significant role and responsibility in working with states and supporting state efforts in college readiness and providing research and technical assistance. Legislators welcome federal efforts to facilitate the exchange of best practices around dual enrollment programs. States, working with national foundations, institutions, and private partners, are implementing policies that focus on maintaining access to postsecondary education and improving student performance and outcomes. Congress and the administration should follow suit. Our country will remain internationally competitive if more high school age, non-traditional students, and working adults not only enroll in colleges and universities, but complete postsecondary credentials and degrees. Policies that further this ultimate
outcome will help states prepare to meet our still-challenging economic situation and
grow economically. As states continue to prioritize and address competing public needs,
federal policy must acknowledge this reality by noting the difficulties states face in
satisfying maintenance of effort requirements for important postsecondary programs.
Reauthorization of the Higher Education Act (HEA) offers another opportunity to renew
this country’s commitment to accessible and affordable postsecondary education and
remove barriers encountered by a changing student population.

Student Aid Loans

Increasingly the burden of higher education costs is borne by students and families.
This burden consists of significant educational debt by all students and their families,
whether attending public and private institutions. Crippling educational debt slows any recovery and limits state economic
growth. Reauthorization efforts directing federal aid to students who need it most and
helping them quickly become productive members in their communities without
substantial debt will help local, state, and national economies. If federal aid is limited,
there are fiscal impacts for state-funded efforts to support students. The federal
government should ensure every state has fair and equal access to postsecondary education so
that borrowers are able to successfully repay their loans and take advantage of federal
loan forgiveness programs.

The federal government should also recognize that many states now play a role in
helping borrowers who default fully and receive inappropriate financial protection. The
federal government should engage in collaborative federal-state collaboration to
provide additional protections to borrowers and eliminating inequity of student loan
services.
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;

NOW, THEREFORE, the Secretary of Education should allow states the opportunity to seek waivers from the maintenance of effort and “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 believe state fiscal requirements for education relief aid should only ask states to maintain aggregate funding levels or serve as a guide for how states can make cuts to education if facing revenue declines.

NOW, THEREFORE, BE IT FURTHER RESOLVED, the National Conference of State Legislatures believe state 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 distribute funds to local education agencies by methods other than a state’s statutorily defined school funding formula.

NOW, THEREFORE, BE IT FURTHER RESOLVED, the National Conference of State Legislatures believe 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.

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