

NCSL Standing Committee on Education

POLICY DIRECTIVES AND RESOLUTIONS

2021 NCSL Summit

Tampa, Florida

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THE STATE-FEDERAL PARTNERSHIP IN POSTSECONDARY EDUCATION ... Error!	
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1 **COMMITTEE:** EDUCATION
2 **POLICY:** THE STATE-FEDERAL PARTNERSHIP IN
3 POSTSECONDARY EDUCATION
4 **TYPE:** DIRECTIVE (Proposed Amendments)

Commented [AR1]: Color Key:
Yellow: Existing language, rearranged
Green: New proposed language
Blue: Existing language with edits
Gray: Language to be remove

5
6 Reauthorization of the Higher Education Act (HEA) offers another opportunity to renew
7 this country's commitment to accessible and affordable postsecondary education and
8 remove barriers encountered by a changing student population. ~~The nation's legislators~~
9 ~~remind our federal partners of the increasingly complex and important role~~
10 ~~postsecondary education plays in maintaining and fostering a dynamic and productive~~
11 ~~economy.~~ A strong higher education system supports individual financial success,
12 provides a foundation for healthy state economies and ensures our nation's position in a
13 global economy. When students fall through the cracks, they do not achieve their full
14 potential and neither does our country. The federal government has an important role to
15 play in supporting low-income students, conducting research on innovation and
16 productivity, monitoring national and regional programming efforts, and providing data
17 and technical assistance to help states examine and analyze our institutions.

18
19 **Postsecondary Affordability**

20 Reauthorization efforts directing federal aid to students who need it most and helping
21 them quickly become productive members in their communities without substantial debt
22 will help local, state, and national economies. If federal aid is limited, there are fiscal
23 impacts for state-funded efforts to support students.
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 funding to the mandatory side of the
28 federal budget. Congress should also ensure Pell serves the broadest number of
29 students, including adult students enrolled part-time. The federal government should

30 continue to reduce barriers or obstacles that may prevent students from applying for
31 federal financial aid.

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

40 A state-federal funding partnership in higher education must:

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

54
55 The federal government should design college savings incentives at the federal level to
56 stimulate and complement, rather than preempt, similar policy initiatives by states and
57 higher education institutions. Legislators support student aid programs that serve state
58 and national economic and workforce priorities.

59 **Accountability**

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

75 **Teacher Preparation**

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

87 ~~Helping Students Succeed~~ Student Success

88 ~~Our country will remain internationally competitive if more high school age, non-~~
89 ~~traditional students, and working adults not only enroll in colleges and universities, but~~
90 ~~complete postsecondary credentials and degrees. Ensuring students gain skills~~
91 ~~competency no matter the means used to obtain that competency will help states and~~
92 ~~the nation increase productivity, improve competitiveness, and prepare future~~
93 ~~generations of leaders and citizens. States, working with national foundations,~~
94 ~~institutions, and private partners, are implementing policies that focus on maintaining~~
95 ~~access to postsecondary education and improving student performance and outcomes.~~
96 ~~NCSL supports federal programs that complement state efforts to improve student~~
97 ~~participation in and completion of postsecondary education. Legislators welcome federal~~
98 ~~efforts, such as the College Scorecard, to provide prospective students with accurate~~
99 ~~information on college costs and institution- and program-level student outcomes.~~
100 ~~Increased transparency is critical to ensuring students are able to make informed~~
101 ~~postsecondary choices.~~

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

112 ~~States, working with national foundations, institutions, and private partners, are~~
113 ~~implementing policies that focus on maintaining access to postsecondary education and~~
114 ~~improving student performance and outcomes. Congress and the administration should~~
115 ~~follow suit. Our country will remain internationally competitive if more high school age,~~
116 ~~non-traditional students, and working adults not only enroll in colleges and universities,~~
117 ~~but complete postsecondary credentials and degrees. Policies that further this ultimate~~

118 outcome will help states prepare to meet our still challenging economic situation and
119 grow economically. As states continue to prioritize and address competing public needs,
120 federal policy must acknowledge this reality by noting the difficulties states face in
121 satisfying maintenance of effort requirements for important postsecondary programs.
122 Reauthorization of the Higher Education Act (HEA) offers another opportunity to renew
123 this country's commitment to accessible and affordable postsecondary education and
124 remove barriers encountered by a changing student population.

125 **Student AidLoans**

126 Increasingly the burden of higher education costs is borne by students and families.

127 This burden consists of significant educational debt by all students and their families,
128 ~~whether program graduates or drop-outs, whether attending public and private~~
129 ~~institutions.~~ Crippling educational debt slows any recovery and limits state economic
130 growth. Reauthorization efforts directing federal aid to students who need it most and
131 helping them quickly become productive members in their communities without
132 substantial debt will help local, state, and national economies. If federal aid is limited,
133 there are fiscal impacts for state-funded efforts to support students. The federal
134 government should make every effort to improve the federal student loan program so
135 that borrowers are able to successfully repay their loans and take advantage of federal
136 loan forgiveness programs.

137 The federal government should also recognize that many states now play a role in
138 ensuring borrowers are treated fairly and receive appropriate consumer protections. The
139 federal government should engage in collaborative federalism with states around
140 providing consumer protections to borrowers and conducting oversight of student loan
141 servicers.

142

143 **COMMITTEE:** **EDUCATION**
144 **POLICY:** **FEDERAL EDUCATION RELIEF AID**
145 **TYPE:** **DRAFT RESOLUTION**
146

147 **WHEREAS**, state legislatures have the primary responsibility for funding and governing
148 their state’s K-12 and higher education systems; and
149

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

152 **WHEREAS**, fiscal conditions can vary significantly across states, especially during
153 times of national economic emergencies; and
154

155 **WHEREAS**, education is a significant part of state budgets, other compelling priorities
156 may make demands on state resources while states respond to and recovery from
157 emergencies; and
158

159 **WHEREAS**, Congress has included maintenance of effort provisions for both K-12 and
160 higher education funding from fiscal year 2020 to fiscal year 2023 as a condition of a
161 state receiving funds from the Elementary and Secondary School Emergency Relief
162 (ESSER) Fund; and
163

164 **WHEREAS**, Congress has also included “maintenance of equity” provisions for K-12
165 funding in fiscal years 2022 and 2023;
166

167 **NOW, THEREFORE**, the Secretary of Education should allow states the opportunity to
168 seek waivers from the maintenance of effort and “maintenance of equity” provisions
169 associated with the Elementary and Secondary School Emergency Relief (ESSER)
170 Fund; and
171

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

176
177 **NOW, THEREFORE, BE IT FURTHER RESOLVED**, the National Conference of State
178 Legislatures believe state fiscal requirements should not be used to compel states to
179 make fiscal or policy decisions beyond the purposes enumerated above, which includes
180 requiring states to increase funding for education or distribute funds to local education
181 agencies by methods other than a state’s statutorily defined school funding formula.

182
183 **NOW, THEREFORE, BE IT FURTHER RESOLVED**, the National Conference of State
184 Legislatures believe unanticipated federal funding for education should not bypass state
185 legislative appropriations processes and should allow state legislatures broad discretion
186 in determining how those funds will best meet local and state education needs.

187
188 **BE IT FINALLY RESOLVED**, that NCSL send a copy of this resolution to Members of
189 Congress and the U.S. Department of Education.