

1 POLICY: REAUTHORIZATION OF THE ELEMENTARY AND SECONDARY  
2 EDUCATION ACT

3 COMMITTEE: EDUCATION

4 TYPE: NCSL RESOLUTION DRAFT

5 NCSL calls upon Congress to complete the overdue reauthorization of the Elementary  
6 and Secondary Education Act (ESEA) in its current incarnation as No Child Left Behind  
7 (NCLB). State legislators believe that NCLB should be rethought in its entirety and calls  
8 on Congress to swiftly adopt reauthorization legislation that is based on the following  
9 principles:

10 ~~The current incarnation of the Elementary and Secondary Education Act (ESEA), No~~  
11 ~~Child Left Behind (NCLB),~~ significantly shifted control of K-12 education to federal  
12 officials and away from state and local elected officials. While the original intent of  
13 NCLB—to identify the unmet needs of all children in our education systems and  
14 promote education reform—is commendable, state legislators believe that current  
15 federal policy dilutes the impact of limited federal resources. NCLB also mandates the  
16 use of a flawed and discredited method of measuring academic progress that over-  
17 identifies failure and promotes a process and compliance model of federal-state  
18 interaction, instead of allowing for state innovation. Recent federal attempts ~~by the~~  
19 ~~Obama Administration~~ to offer education reform opportunities through prescriptive  
20 waivers correctly acknowledges some of the ~~large~~ problems inherent in NCLB, but  
21 these waivers are an insufficient substitute for correcting NCLB legislatively.

22 Reauthorization legislation should be based on the following principles:

23 ~~NCSL calls upon Congress to complete the overdue reauthorization of ESEA. State~~  
24 ~~legislators believe that NCLB should be rethought in its entirety and calls on Congress~~  
25 ~~to swiftly adopt legislation that is based on the following principles:~~

## 26 **Federalism**

- 27 • Acknowledgings state constitutions and state elected officials as well as basic  
28 principles of federalism, in accordance with NCSL's Federal Role in Elementary  
29 and Secondary Education Policy Directive.

## 30 **Standards & Accountability**

- 31 • Allowings states to establish college and career ready standards based on their  
32 specific needs, including flexibility in adopting common core standards.
- 33 • ~~Scraps-Replacing~~ the current Adequate Yearly Progress (AYP) metric at the  
34 heart of NCLB.
- 35 • Avoidings penalties that reduce federal K-12 funding for any state that shows  
36 continuous improvement in student achievement, and/or a closing of the  
37 achievement gap in that state, using any legitimate metric that is incorporated  
38 into state policy.

## 39 **Funding**

- 40 • Concentratings available federal funding on most at-risk students, utilizing  
41 research based formulas that target the neediest students.
- 42 • Allowings states the flexibility to distribute funding to areas of greatest need.
- 43 • Followings the concept of incentive-based programs as opposed to the coercive,  
44 punitive system at the heart of NCLB.

45 **Teachers & Leaders**

- 46 | • Focusinges on the need for effective teachers in classrooms, rather than meeting
- 47 | a federal definition of “highly qualified teachers.”
- 48 | • Allowings states the ability to establish state based teacher evaluation systems,
- 49 | with evaluations measured in conjunction with state established standards and
- 50 | accountability systems.

51 **Waivers**

- 52 | • Providinges clear and transparent opportunity to apply for waivers from certain
- 53 | funding, maintenance of effort, and programmatic requirements for appropriate
- 54 | state cases.

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