

NCSL Standing Committee on Education

POLICY DIRECTIVES AND RESOLUTIONS

**2018 NCSL Legislative Summit
Los Angeles, California**

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OMMITTEE: EDUCATION

**POLICY: IMPLEMENTING THE EVERY STUDENT
SUCCEEDS ACT**

TYPE: RESOLUTION

With the passage of the Every Student Succeeds Act (ESSA) in December 2015, the United States Congress fixed issues with the well-intentioned No Child Left Behind law, including the test-and-punish model of accountability and the Adequate Yearly Progress (AYP) proficiency measure. ESSA puts much of the decision-making authority back into the hands of state and local policymakers. The nation’s legislators and legislative staff are committed to its effective implementation.

The National Conference of State Legislatures (NCSL) believes that the following principles should be the basis of any federal action on the ongoing implementation of the new law:

Consultation

- Ensure that the “timely and meaningful consultation” process involved in the creation of, and any revisions to, state plans is thorough and ongoing, honoring the constitutional and statutory authority over education policy that rests with state legislatures.
- Support collaborative discussions on state and local education policy after the initial ESSA state plans are developed.

Accountability

- Recognize that Congress passed a law that maintains safeguards to protect our most vulnerable students while also giving states and districts the flexibility to innovate and pursue meaningful change in accountability systems.

- Understand that there is no single path forward on accountability. The federal government should therefore avoid drafting regulations that would restrict or mandate how states design their accountability systems, including by unnecessarily defining terms or assigning weights to indicators.

Assessment

- Recognize the desire of states, districts, parents, students, and other stakeholders to lessen the burden of testing, while encouraging high quality assessments that accurately measure the achievement of all students and subgroups of students.
- Promote the innovative assessment pilot program in ESSA with an eye toward possible future expansion of the pilot and by ensuring that lessons learned from pilot states are broadly disseminated.

NCSL calls upon the U.S. Department of Education to refrain from pursuing regulatory action that conflicts with the spirit and letter of ESSA as written by Congress. The law seeks to allow states and districts to take charge of their educational systems, and excessive regulation would impede this effort.

NCSL appreciates ongoing communication and technical assistance in place of regulatory action and will continue to work with the U.S. Department of Education to provide insight into the informational needs of state legislators and legislative staff. NCSL additionally encourages Congress to continue its oversight of ESSA's implementation so that states and districts are given the flexibility that Congress intended.