

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

3 **COMMITTEE: EDUCATION**

4 **TYPE: 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.

9 NCLB significantly shifted control of K-12 education to federal officials and away from  
10 state and local elected officials. While the original intent of NCLB—to identify the unmet  
11 needs of all children in our education systems and promote education reform—is  
12 commendable, state legislators believe that current federal policy dilutes the impact of  
13 limited federal resources. NCLB also mandates the use of a flawed and discredited  
14 method of measuring academic progress that over-identifies failure and promotes a  
15 process and compliance model of federal-state interaction, instead of allowing for state  
16 innovation. Recent federal attempts to offer education reform opportunities through  
17 prescriptive waivers correctly acknowledges some of the problems inherent in NCLB,  
18 but these waivers are an insufficient substitute for correcting NCLB legislatively.

19 Reauthorization legislation should be based on the following principles:

20 **Federalism**

- 21 • Acknowledging state constitutions and state elected officials as well as basic  
22 principles of federalism, in accordance with NCSL's Federal Role in Elementary  
23 and Secondary Education Policy Directive.

## 24 **Standards & Accountability**

- 25 • Allowing states to establish college and career ready standards based on their  
26 specific needs, including flexibility in adopting common core standards.
- 27 • Replacing the current Adequate Yearly Progress (AYP) metric at the heart of  
28 NCLB.
- 29 • Avoiding penalties that reduce federal K-12 funding for any state that shows  
30 continuous improvement in student achievement, and/or a closing of the  
31 achievement gap in that state, using any legitimate metric that is incorporated  
32 into state policy.

## 33 **Funding**

- 34 • Concentrating available federal funding on most at-risk students, utilizing  
35 research based formulas that target the neediest students.
- 36 • Allowing states the flexibility to distribute funding to areas of greatest need.
- 37 • Following the concept of incentive-based programs as opposed to the coercive,  
38 punitive system at the heart of NCLB.

## 39 **Teachers & Leaders**

- 40 • Focusing on the need for effective teachers in classrooms, rather than meeting a  
41 federal definition of “highly qualified teachers.”

- 42       • Allowing states the ability to establish state based teacher evaluation systems,  
43       with evaluations measured in conjunction with state established standards and  
44       accountability systems.

45   **Waivers**

- 46       • Providing clear and transparent opportunity to apply for waivers from certain  
47       funding, maintenance of effort, and programmatic requirements for appropriate  
48       state cases.

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