

House Concurrent Resolution No. 81

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES DAVIS (Sponsor),
GATSCHENBERGER AND KOENIG (Co-sponsors).

5510L.02I

2 **Whereas**, the United States Department of Education states that "Education is
3 primarily a state and local responsibility in the United States. It is states and communities, as
4 well as public and private organizations of all kinds, that establish schools and colleges, develop
5 curricula, and determine requirements for enrollment and graduation. The structure of education
6 finance in America reflects this predominant state and local role."
7 (www.2.ed.gov/about/overview/fed/role.html); and

8 **Whereas**, in 1965, the federal Elementary and Secondary Education Act launched
9 a comprehensive set of programs, including the Title I program of federal aid and in that same
10 year, the Higher Education Act authorized assistance for postsecondary education, including
11 financial aid programs for college tuition; and

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13 **Whereas**, in 1980, the United States Congress established the United States
14 Department of Education as a Cabinet-level agency; and

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16 **Whereas**, nowhere in the United States Constitution is the United States Congress
17 granted authority to oversee education, and the United States Department of Education is
18 continuing to take upon itself an ever increasing role of encroaching on the jurisdiction that
19 belongs to the states; and

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21 **Whereas**, the Missouri General Assembly has a constitutional responsibility to
22 establish and maintain free public schools for the general well-being of the state; and

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24 **Whereas**, Missouri's school districts and educational methodologies are extremely
25 diverse and the Missouri General Assembly has been careful to avoid broad-brush state
26 mandates, favoring local control starting with the most local of all, that being the family; and
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28 **Whereas**, the federal "No Child Left Behind" law is viewed by many teachers and
29 administrators as a failure, doing more harm than good in our nation's public schools because the
30 test-and-punish approach to school reform relies on limited, one-size-fits-all tools that reduce
31 education to little more than test preparation, thereby requiring unproven, often irrational
32 "solutions" to complex problems; and
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34 **Whereas**, the United States Department of Education is administering the
35 educational stimulus package known as "Race to the Top", for which Missouri made a first-
36 round application in December 2009; and
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38 **Whereas**, those in Washington, D.C. may not understand or respect the uniqueness
39 of Missouri and why we are better off establishing our own standards that are defined by the
40 needs of our individual school districts, are tailored to encourage parental involvement, and
41 maximize and enhance flexibility for the local school boards that are accountable to the parents;
42 and
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44 **Whereas**, the Missouri Department of Elementary and Secondary Education is
45 refining its application for the second round of applications with a deadline of June 1, 2010; and
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47 **Whereas**, the timing and process of the application has made it difficult to ensure
48 legislative awareness of, participation in, and approval of the state's application process in
49 addition to circumventing the input of parents, teachers, and local school board members, which
50 turns a blind eye and a deaf ear to those closest to the source who may have vital and practical
51 information on what has proven to be the most beneficial practice; and
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53 **Whereas**, those areas as described by the United States Department of Education
54 have been predetermined by the federal government as policy areas of emphasis, which may

55 ignore and circumvent the proper role of the states and the priorities of the State of Missouri as
56 defined by the people of Missouri; and

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58 **Whereas**, with federal funds comes federal requirements, of which some may be
59 more costly to implement than the remuneration received; and

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61 **Whereas**, some of these requirements may obligate our state, both financially as
62 well as in mandated program implementation that may residually harm our budget and our
63 autonomy for years beyond the sunset of the "Race to the Top" program; and

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65 **Whereas**, whenever we delegate our decision-making authority from the legislative
66 branch of government to unelected bureaucrats, we lose our accountability to our constituents
67 and diminish our residents from the satisfaction that their values are being represented; and

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69 **Whereas**, government exists to serve the people and application for any funds
70 cannot diminish the right of the citizens or the school districts to educate their pupils in
71 accordance with the agreement of the parents of those children and the voters of that district who
72 elected their school board members:

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74 **Now, therefore, be it resolved** that the members of the House of
75 Representatives of the Ninety-fifth General Assembly, Second Regular Session, the Senate
76 concurring therein, hereby advises the Commissioner of Education and the State Board of
77 Education to review carefully the policy implications of Missouri's second application for Race
78 to the Top funds to ensure that:

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80 (1) Federal goals do not override state goals that have been legislatively established;

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82 (2) The state does not cede any portion of control over our education policy to the federal
83 government;

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85 (3) Proposed implementation provides all the current flexibility afforded to Missouri's
86 school districts;

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88 (4) The Missouri General Assembly reserves the right to opt out at any time; and

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90 **Be it further resolved** that the Missouri General Assembly advises our
91 Congressional Delegation to respect the four principles set forth above in its deliberations on the
92 reauthorization of the federal Elementary and Secondary Education Act; and

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94 **Be it further resolved** that the Chief Clerk of the Missouri House of
95 Representatives be instructed to prepare properly inscribed copies of this resolution for Dr. Chris
96 Nicastro, the Commissioner of Education; the State Board of Education, and each member of the
97 Missouri Congressional Delegation.

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