

House Resolution No. 269

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BAHR.

1911H.021

1 **WHEREAS**, 20 U.S.C. 9526(b) prohibits an officer or employee of the federal
2 government to mandate, direct, review, or control a state or local education agency's or school's
3 instruction content, curriculum, and related activities;

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5 **WHEREAS**, 20 U.S.C. 9527(a) prohibits an officer or employee of the federal
6 government to mandate, direct, or control a state or local education agency's, or a school's
7 curriculum, program of instruction, or allocation of resources, or mandate a state or any
8 subdivision thereof to spend any funds or incur any costs not paid for under the federal
9 Elementary and Secondary Education Act, as amended by the No Child Left Behind Act of 2001;

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11 **WHEREAS**, 20 U.S.C. 9527(b) specifies that no funds provided to the United States
12 Department of Education may be used by the department to endorse, approve, or sanction any
13 curriculum designed to be used in an elementary or secondary school;

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15 **WHEREAS**, 20 U.S.C. 9527(c) specifies that no state shall be required to have academic
16 content or student academic achievement standards approved or certified by the federal
17 government in order to receive assistance under the federal Elementary and Secondary Education
18 Act, as amended by the No Child Left Behind Act of 2001;

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20 **WHEREAS**, 20 U.S.C. 9529 prohibits any funds provided under the federal Elementary
21 and Secondary Education Act, as amended by the No Child Left Behind Act of 2001, be used to
22 develop, pilot test, field test, implement, administer, or distribute any federally sponsored
23 national test in reading, mathematics, or any other subject unless specifically and explicitly
24 authorized by law;

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26 **WHEREAS**, the United States Department of Education has violated the federal
27 Elementary and Secondary Education Act, as amended by the No Child Left Behind Act of 2001,
28 by enacting Code of Federal Regulations (CFR) modifications in Rule 200 that take local control
29 away from the most vulnerable of students, special needs students;

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31 **WHEREAS**, the CFR modifications include limiting a state's authority to define
32 modified academic achievement standards, prohibiting a state from modifying academic
33 achievement standards unless the state administered alternate assessments based on modified
34 academic achievement standards in the 2012-13 school year, and terminating the state's authority
35 to define modified academic achievement standards at the end of the 2013-14 school year;

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37 **WHEREAS**, under the CFR modifications, states would no longer be authorized to
38 define modified academic achievement standards and administer alternate assessments based on
39 these standards;

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41 **WHEREAS**, Missouri believes in local control of education in our state, that special
42 needs students need more oversight locally, and that special needs students deserve the best
43 education possible;

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45 **WHEREAS**, Missouri believes that special needs students are given the best education
46 possible when local school districts and teachers are making decisions regarding their education;

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48 **NOW THEREFORE BE IT RESOLVED** that we, the members of the Missouri House
49 of Representatives, Ninety-eighth General Assembly, hereby insist that each member of the
50 Missouri Congressional delegation endeavor and resolve to completely repeal the CFR
51 modifications found in Rule 200.

52

53 **BE IT FURTHER RESOLVED** that the Chief Clerk of the Missouri House of
54 Representatives be instructed to prepare a properly inscribed copy of this resolution for the
55 Speaker of the United States House of Representatives, the President of the United States Senate,
56 and each member of the Missouri Congressional delegation.

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