

113TH CONGRESS  
1ST SESSION

# H. R. 2089

To amend the Elementary and Secondary Education Act of 1965 to prohibit Federal mandates, direction, or control, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

MAY 22, 2013

Mrs. ROBY (for herself and Mr. ROKITA) introduced the following bill; which was referred to the Committee on Education and the Workforce

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## A BILL

To amend the Elementary and Secondary Education Act of 1965 to prohibit Federal mandates, direction, or control, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Defending State Au-  
5 thority Over Education Act of 2013”.

6 **SEC. 2. VOLUNTARY PARTNERSHIPS.**

7 Section 1111(k) of the Elementary and Secondary  
8 Education Act of 1965 (20 U.S.C. 6311(k)) is amended  
9 by adding at the end the following: “Except that the Sec-

1 retary shall not attempt to influence, incentivize, or coerce  
2 State participation in any such partnerships.”.

3 **SEC. 3. SPECIFIC LIMITATIONS.**

4 Section 9401 of the Elementary and Secondary Edu-  
5 cation Act of 1965 (20 U.S.C. 7861) is amended—

6 (1) by redesignating subsections (e), (f), and  
7 (g), as subsections (f), (g), and (h), respectively; and

8 (2) by inserting after subsection (d) the fol-  
9 lowing new subsection:

10 “(e) SPECIFIC LIMITATIONS.—The Secretary shall  
11 not require a State educational agency, local educational  
12 agency, or Indian tribe, as a condition of approval of a  
13 waiver request, to—

14 “(1) include in, or delete from, such request,  
15 specific academic standards;

16 “(2) use specific academic assessment instru-  
17 ments or items; or

18 “(3) include in, or delete from, such waiver re-  
19 quest any criterion that specifies, defines, or pre-  
20 scribes the standards or measures that a State or  
21 local educational agency or Indian tribe uses to es-  
22 tablish, implement, or improve—

23 “(A) State academic standards;

24 “(B) academic assessments;

25 “(C) State accountability systems; or

1                   “(D) teacher and school leader evaluation  
2                   systems.”.

3 **SEC. 4. PROHIBITION AGAINST FEDERAL MANDATES, DI-**  
4                   **RECTION, OR CONTROL.**

5           (a) IN GENERAL.—Subpart 2 of part E of title IX  
6 of the Elementary and Secondary Education Act of 1965  
7 (20 U.S.C. 7901 et seq.) is amended by inserting after  
8 section 9526 the following new section:

9 **“SEC. 9526A. PROHIBITION AGAINST FEDERAL MANDATES,**  
10                   **DIRECTION, OR CONTROL.**

11           “(a) IN GENERAL.—No officer or employee of the  
12 Federal Government shall, directly or indirectly, through  
13 grants, contracts, or other cooperative agreements, man-  
14 date, direct, or control a State, local educational agency,  
15 or school’s specific instructional content, academic stand-  
16 ards and assessments, curricula, or program of instruc-  
17 tion, nor shall anything in this Act be construed to author-  
18 ize such officer or employee to do so.

19           “(b) FINANCIAL SUPPORT.—No officer or employee  
20 of the Federal Government shall, directly or indirectly,  
21 through grants, contracts, or other cooperative agree-  
22 ments, make financial support available in a manner that  
23 is conditioned upon a State, local educational agency, or  
24 school’s adoption of specific instructional content, aca-  
25 demic standards and assessments, curriculum, or program

1 of instruction even if such requirements are specified in  
2 an Act other than this Act, nor shall anything in this Act  
3 be construed to authorize such officer or employee to do  
4 so.”.

5 (b) CLERICAL AMENDMENT.—The table of contents  
6 for the Elementary and Secondary Education Act of 1965  
7 is amended by inserting after the item relating to section  
8 9526 the following:

“Sec. 9526A. Prohibition against Federal mandates, direction, or control.”.

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