

114TH CONGRESS
1ST SESSION

S. 144

To prohibit the Federal Government from mandating, incentivizing, or making financial support conditioned upon a State, local educational agency, or school's adoption of specific instructional content, academic standards, or curriculum, or on the administration of assessments or tests, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 9, 2015

Mr. CRAPO (for himself, Mr. CRUZ, Mr. LANKFORD, Mr. LEE, Mr. PAUL, Mr. RISCH, and Mr. SHELBY) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To prohibit the Federal Government from mandating, incentivizing, or making financial support conditioned upon a State, local educational agency, or school's adoption of specific instructional content, academic standards, or curriculum, or on the administration of assessments or tests, 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 “Local Leadership in
5 Education Act”.

1 **SEC. 2. PROHIBITIONS IN THE ELEMENTARY AND SEC-**
 2 **ONDARY EDUCATION ACT.**

3 (a) GENERAL PROHIBITIONS.—Section 9527 of the
 4 Elementary and Secondary Education Act of 1965 (20
 5 U.S.C. 7907) is amended—

6 (1) by striking subsections (a) and (b) and in-
 7 serting the following:

8 “(a) GENERAL PROHIBITIONS.—

9 “(1) IN GENERAL.—An officer or employee of
 10 the Federal Government shall not directly or indi-
 11 rectly, through grants, contracts, or other coopera-
 12 tive agreements under this Act (including waivers
 13 under section 9401)—

14 “(A) mandate, direct, or control a State,
 15 local educational agency, or school’s academic
 16 standards, curriculum, program of instruction,
 17 or allocation of State or local resources;

18 “(B) mandate a State or any subdivision
 19 thereof to spend any funds or incur any costs
 20 not paid for under this Act;

21 “(C) incentivize a State, local educational
 22 agency, or school to adopt any specific academic
 23 standards or a specific curriculum or program
 24 of instruction, which shall include providing any
 25 priority, preference, or special consideration
 26 during an application process based on any spe-

1 cific academic standards, curriculum, or pro-
2 gram of instruction;

3 “(D) make financial support available in a
4 manner that is conditioned upon a State, local
5 educational agency, or school’s adoption of spe-
6 cific instructional content, academic standards,
7 or curriculum, or on the administration of as-
8 sessments or tests, even if such requirements
9 are specified in this Act; or

10 “(E) mandate or require States to admin-
11 ister assessments or tests to students.

12 “(2) RULE OF CONSTRUCTION.—Nothing in
13 this Act shall be construed to authorize an officer or
14 employee of the Federal Government directly or indi-
15 rectly, whether through grants, contracts, or other
16 cooperative agreements under this Act (including
17 waivers under section 9401), to do any activity pro-
18 hibited under subsection (a).”; and

19 (2) by adding at the end the following:

20 “(e) PROHIBITION ON ASSESSMENTS IN TITLE I.—
21 Part A of title I shall be carried out without regard to
22 any requirement that a State carry out academic assess-
23 ments or that local educational agencies, elementary
24 schools, and secondary schools make adequate yearly
25 progress.”.

1 (b) PROHIBITION ON WAIVER CONDITIONS, RE-
 2 QUIREMENTS, OR PREFERENCES.—Section 9401 (20
 3 U.S.C. 7861) is amended by adding at the end the fol-
 4 lowing:

5 “(h) PROHIBITION ON WAIVER CONDITIONS.—

6 “(1) IN GENERAL.—The Secretary shall not es-
 7 tablish as a condition for granting a waiver under
 8 this section—

9 “(A) the approval of academic standards
 10 by the Federal government; or

11 “(B) the administration of assessments or
 12 tests to students.

13 “(2) EFFECT ON PREVIOUSLY ISSUED WAIV-
 14 ERS.—

15 “(A) IN GENERAL.—Any requirement de-
 16 scribed in paragraph (1) that was required for
 17 a waiver provided to a State, local educational
 18 agency, Indian tribe, or school under this sec-
 19 tion before the date of enactment of the Local
 20 Leadership in Education Act shall be void and
 21 have no force of law.

22 “(B) PROHIBITED ACTIONS.—The Sec-
 23 retary shall not—

24 “(i) enforce any requirement that is
 25 void pursuant to subparagraph (A); and

“(ii) require the State, local educational agency, Indian tribe, or school to reapply for a waiver, or to agree to any other condition to replace any requirement that is void pursuant to subparagraph (A), until the end of the period of time specified under the waiver.

“(C) NO EFFECT ON OTHER PROVISIONS.—Any other provisions or requirements of a waiver provided under this section before the date of enactment of the Local Leadership in Education Act that are not affected by subparagraph (A) shall remain in effect for the period of time specified under the waiver.”.

SEC. 3. PROHIBITION IN THE GENERAL EDUCATION PROVISIONS ACT.

Section 438 of the General Education Provisions Act (20 U.S.C. 1232a) is amended—

(1) by striking “No provision of any applicable program shall be construed to authorize any department, agency, officer, or employee of the United States to” and inserting “A department, agency, officer, or employee of the United States shall not”;

(2) by inserting “(including the development of curriculum)” after “over the curriculum”; and

1 (3) by striking “to” after “institution or school
2 system, or”.

3 **SEC. 4. PROHIBITION IN RACE TO THE TOP FUNDING.**

4 Title XIV of Division A of the American Recovery
5 and Reinvestment Act of 2009 (Public Law 111–5) is
6 amended by inserting after section 14007 the following:

7 **“SEC. 14007A. PROHIBITION ON ASSESSMENTS.**

8 “Notwithstanding any other provision of law, no
9 funds provided under section 14006 of the American Re-
10 covery and Reinvestment Act of 2009 (Public Law 111–
11 5, 123 Stat. 283) shall be used to develop, pilot test, field
12 test, implement, administer, or distribute any assessment
13 or testing materials.”.

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