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State of Minnesota
HOUSE OF REPRESENTATIVES

**EIGHTY-FIFTH
SESSION**

HOUSE FILE No. 258

January 22, 2007

Authored by Greiling, Doty, Mariani, Heidgerken, Slocum and others
The bill was read for the first time and referred to the Committee on E-12 Education

March 27, 2007

Committee Recommendation and Adoption of Report:
To Pass
Read Second Time

- 1.1 A resolution
- 1.2 memorializing Congress to offer greater flexibility to states and fully fund the No
- 1.3 Child Left Behind Act as part of its reauthorization.
- 1.4 WHEREAS, in 2002, the No Child Left Behind (NCLB) Act was enacted on a bipartisan
- 1.5 basis, which has as its purpose bringing academic achievement in language arts, mathematics, and
- 1.6 science to students who are not presently achieving at acceptable levels; and
- 1.7 WHEREAS, NCLB is scheduled to be reauthorized in 2007; and
- 1.8 WHEREAS, NCLB may violate the Tenth Amendment of the United States Constitution,
- 1.9 which restricts the power of the federal government to those so delegated by the United States
- 1.10 Constitution and reserves powers not delegated to the federal government, such as education, to
- 1.11 the states and the people; and
- 1.12 WHEREAS, NCLB represents a federal intrusion into state and local control of education,
- 1.13 which violates time-honored American principles of balanced federalism and respect for state
- 1.14 and local prerogatives; and
- 1.15 WHEREAS, NCLB is an unfunded mandate causing states and school districts to spend
- 1.16 more money to implement NCLB than what Congress appropriates; and
- 1.17 WHEREAS, Congress is considering performance bonuses for schools that are closing
- 1.18 the achievement gap; and
- 1.19 WHEREAS, NCLB will, according to the Minnesota Office of the Legislative Auditor,
- 1.20 cause between 80 percent and 100 percent of Minnesota elementary schools to fail to meet
- 1.21 adequate yearly progress requirements by 2014, states should be given flexibility to determine

2.1 which schools failed to make adequate yearly progress and which schools are in need of
2.2 improvement; NOW, THEREFORE,

2.3 BE IT RESOLVED by the Legislature of the State of Minnesota that it urges Congress to
2.4 amend the No Child Left Behind Act before reauthorizing it in its current form, and that states
2.5 such as Minnesota be allowed to continue to work toward the goal of closing the achievement gap
2.6 without the coercion of losing federal funds.

2.7 BE IT FURTHER RESOLVED by the Legislature of the State of Minnesota that it urges
2.8 Congress to reconsider its expectations placed on states to reach 100 percent proficiency as
2.9 measured by adequate yearly progress.

2.10 BE IT FURTHER RESOLVED that the Secretary of State of the State of Minnesota is
2.11 directed to prepare copies of this memorial and transmit them to the President and the Secretary of
2.12 the United States Senate, the Speaker and the Clerk of the United States House of Representatives,
2.13 and Minnesota's Senators and Representatives in Congress so that they may be apprised of the
2.14 sense of the Minnesota Legislature in this matter.