

114TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

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.

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IN THE SENATE OF THE UNITED STATES

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Mr. CRAPO introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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**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(a)) 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 dur-  
26 ing an application process based on any specific

1 academic standards, curriculum, or program of  
2 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

1                   “(ii) require the State, local edu-  
2                   cational agency, Indian tribe, or school to  
3                   reapply for a waiver, or to agree to any  
4                   other conditions to replace any require-  
5                   ments that is void pursuant to subpara-  
6                   graph (A), until the end of the period of  
7                   time specified under the waiver.

8                   “(C) NO EFFECT ON OTHER PROVI-  
9                   SIONS.—Any other provisions or requirements  
10                  of a waiver provided under this section before  
11                  the date of enactment of the Local Leadership  
12                  in Education Act that are not affected by sub-  
13                  paragraph (A) shall remain in effect for the pe-  
14                  riod of time specified under the waiver.”.

15 **SEC. 3. PROHIBITION IN THE GENERAL EDUCATION PROVI-**  
16 **SIONS ACT.**

17                  Section 438 of the General Education Provisions Act  
18 (20 U.S.C. 1232a) is amended—

19                  (1) by striking “No provision of any applicable  
20                  program shall be construed to authorize any depart-  
21                  ment, agency, officer, or employee of the United  
22                  States to” and inserting “A department, agency, of-  
23                  ficer, or employee of the United States shall not”;

24                  (2) by inserting “(including the development of  
25                  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.”.