



Common Core Fact Sheet
March 9, 2013

To the Kansas House Education Committee

“The philosophy of the classroom today will be the philosophy of government tomorrow.” Abraham Lincoln

As an ordinary citizen committed to the U.S. and Kansas Constitutions, a patriot from patriots who served in wars to preserve those rights guaranteed to us all, a mother, and a grandmother of eight, three of whom are being educated in the Blue Valley Schools, I am concerned about the Common Core State Standards being imposed by the federal government via the ‘carrot’ of federal Stimulus dollars (provided by the American taxpayer). In researching these standards through my own organization, Concerned Women for America and through other sources, I have amassed a stack of papers 10 inches high that I have read and compiled.

A testimony by Brad Neuenswander, the Deputy Commissioner of the KSDE at a recent informational hearing before the Kansas House Education Committee reminded the committee that according to K.S.A 72-6439 the state board “shall establish curriculum standards which reflect high academic standards for Kansas Education in the core academic areas of mathematics, science, reading, writing and social studies. The curriculum standards shall be reviewed at least every seven years.” The Kansas State Board of Education is one of the few elected boards in the United States. It has always been comforting to know that the people of Kansas can directly contact their local and elected officials concerning education.

However, it is disconcerting to find that the KSSBOE has signed on to the Common Core State Standards for math and English sight unseen. Currently the Kansas State Board of Education is taking public comment on the social studies standards that will guide the teaching of history, government, geography, economics and various other courses. The SBOE adopted the math and English standards in 2010 in compliance with Common Core standards. Questions about Common Core standards and how they were presented and implemented have arisen and have given some legislators the impetus to think about reversing the process via HB 2289.

In a recent (February 24, 2013) article in the *Topeka Capitol Journal* by Celia Llopis-Jepsen the current State Board of Education chairwoman Jana Shaver (R-Independence) was questioned about Common Core and some of the concerns that are being raised by critics.

The first question was about how states (currently 45) adopted Common Core curriculum. She stated that Kansas was due to review the mathematics and English language arts curriculum anyway, so the same process was used to adjust the standards that would have been normally used. However, this time the standards were juxtaposed with Common Core Standards that have been developed by quasi-educational/government unaccountable groups and adapted Kansas standards to them.

The process of creation of the Common Core State Standards: The national Common Core State Standards were not created by the states; they were created by *private* organizations in Washington, D.C., with lavish funding from private entities such as the Gates Foundation and companies like GE and by the federal government. The attempt to make all high school graduates “college-and-career ready” was accomplished by two trade associations: The National Governor’s

Association which does not represent every state governor and the Council of Chief State School Officers (CCSSO). These two organizations completed their standards-development process by utilizing another private contractor---Achieve, Inc., a corporation founded by the National Governor's Association. This corporation met in private with work groups almost entirely staffed by persons who were not, with one exception, K-12 educators. Of the more than 65 people involved in the common core design and review, only one was a classroom teacher and no school administrator is listed as being a member of the groups. [<http://www.nga.org/portal/site/nga/menuitem.6c8a9ebc6ae07eee28aca95010a0/vgnnextoid=60e20e4d3d132210VgnVCM1000005e00100aRCRD>].

In a study by The University of Colorado at Boulder in July, 2010, by William J. Mathis, Ph.D. in affiliation with Arizona State University regarding the development of the standards (500 pages) ["The 'Common Core Standards Initiative: An Effective Reform Tool?", William J. Mathis, Ph.D., University of Colorado at Boulder, July, 2010] the conclusion was the standards were developed with a minimal input from school-based practitioners, field testing was not done, and the tests that will be used to evaluate the standards have not even been developed completely. Dr. Mathis even postulated that when they are developed, they probably would not have sufficient validity to justify "the high stakes consequences that will likely arise around their use." He recommends that the standards should be subjected to extensive validation, trials and subsequent revisions before implementation. During the time of evaluation states should be encouraged to examine and experiment with broad-based school evaluation systems. He does not recommend that states implement accountability systems where the assessments are inadequate for such purposes.

The standards were released on June 2, 2010, and may be found at <http://www.corestandards.org/about-the-standards>. The second round deadline of "Race to the Top" federal grant money that required adoption of the standards was August 2, 2010. Most state legislatures are not in session in the summer. The Kansas State Board adopted the standards on October 12, 2010, after only a month's consideration so Ms. Shaver's comment about Kansas adopting the Core standards before they were released seems to be misleading. In fact she stated an executive committee of English/Language Arts teachers from across the state was formed to review and provide feedback upon the drafts of the Common Core Standards in January 2010, but much of the time was spent in crafting the "Kansas 15%" (the 15% that the federal government allows for deviation/adaptation of the standards) that each state is *allowed* to develop.

Because the National Governor's Association and the CCSSO led the initiative, it is generally assumed that the standards were state-led, implying that legislative authority had been given. However, the real "carrot" in the adoption of the standards was federal money offered through the American Recovery and Reinvestment Act enacted on February 17, 2009, (Stimulus Bill) that created a \$4.35 billion earmark for states "that have made significant progress" in meeting state standards and enhancing the quality of academic assessments. The week following the signing of this bill, U.S. Secretary of Education Arne Duncan announced that the Department of Education would be distributing the money through a competitive grant program called "*Race to the Top*". When asked if he envisioned "national standards for every kid across all subjects and national tests," he stated, "We want to get into this game. ... There are great outside partners---Achieve, the Gates Foundation, others---who are providing great leadership---I want to be the one to help it come to fruition." [*Newsmakers*, C-SPAN, February 22, 2009] In fact, he also stated that he envisioned keeping databases on students from "cradle to career."

Interestingly, it appears that rather than taking the input from teachers, etc. the main players in the radical revision of education are foundations and private corporations. In the midst of the *Race to the Top* competition, the Department of Education changed the Stimulus Bill objectives from general improvement of state standards and assessments to acquiescence to specific federal dictates. [Grover J. Whitehurst, "Did Congress Authorize Race to the Top?" *Education Week*, April 27, 2010] Because of these dictates which included adoption of internationally benchmarked standards and assessments, building data systems that measure student success, retraining of teachers and turning around low-achievement schools, applicant states were required to address these issues to be considered for funding.

The idea of a federal role in education isn't new; in fact, it all started with the signing by President Lyndon Johnson of the Elementary and Secondary School Act of 1965 (ESEA). Because of the insertion of federal funds, the Department of Education was established in 1979. For years the Department of Education has had to operate within federal guidelines

established by federal statute. The General Education Provisions Act (GEPA), the Department of Education Organization Act (DEOA) and subsequent reauthorizations of ESEA amended by the No Child Left Behind Act of 2001 ban federal departments and agencies from directing, supervising, or controlling elementary and secondary school curriculum, programs of instruction, and instructional materials. Since 2009, through the *Race to the Top Fund*, the *Race to the Top Assessment Program* and conditional NCLB waiver plans the Department of Education has created a system of discretionary grants and waivers that persuade state education authorities into accepting elementary and secondary school standards favored by the Department of Education, i.e. Common Core State Standards.

Limitations placed on the Department of Education by federal statute:

- Prohibition on directing, supervising, controlling curriculum under GEPA---this also applies to textbooks, library resources or other printed or instructional material
- DEOA also prohibits the federal government from directing curriculum and instructional materials making it clear that the Department of Education doesn't displace the role of state and local governments as dictated by the Constitution of the United States.
- ESEA (1965) contained similar language but adds a limitation on the ability of federal officers and employees to mandate, direct or control curriculum.

Clearly the intent of Congress was to keep the federal government out of educational curriculum and leave the direction of education to the states and to local control. However, the Common Core State Standards are not coming from the states or the federal government (albeit with full approval of the federal government) but from two trade organizations and the groups they established to carry out the task of overhauling and the centralization of education. They claim that their standards are internationally benchmarked but to date have not produced those "benchmarks"; in fact they now refer to them as "internationally-informed" benchmarks. By enticing states to accept these benchmarks sight unseen with federal dollars, they have achieved a goal of changing our nation's education goals without empirical testing and against federal law.

Standards drive curriculum, programs of instruction and selection of educational materials. **Standards are the skeleton; curriculum fleshes out the skeleton producing a completely different model that adheres to the framework.** Indeed, the newly adopted standards have also produced a need for new testing standards, thus giving birth to two consortia receiving federal grants totaling \$330 million---the Partnership for Assessment of Readiness for College and Careers Consortium (PARCC) and the SMARTER Balanced Assessment Consortium (SBAC). These common assessments along with a common curriculum displace local assessment autonomy; in fact one has to wonder if there is any need for a State Board of Education or legislative oversight in our children's education. Both groups received additional funding to "help member states transition to the Common Core Standards and assessments"---this includes curriculum materials. The standards are **copy-righted** so are not subject to change by local entities. One has to wonder who will be selling the textbooks, instructional materials and doing the training of teachers. The other question to ask ourselves is "If the Common Core Standards are not working well for our children, who will be held accountable?"

Privacy Concerns: Data collection, a necessary tool for assessing educational success, of students K-12 is regulated at the federal level by two statutes:

- Family Educational Rights and Privacy Act (FERPA), enacted in 1974---provides minimal privacy protection for educational records
 - Applies to educational agencies and institutions that receive federal funds administered by the Secretary of Education.
 - Educational records may consist of the students name, address, telephone, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of athletes, dates of attendance, degrees and awards received and the most recent educational agency or institution attended by the student.
 - Any other information that could include personally identifiable requires parental written consent.

- **Exceptions:** If a third party is deemed under the authorization of the institution and is performing a legitimate *educational interest*, these records could be shared without consent. [Emphasis Added] They may also be shared if there is evidence of a crime.
- No Child Left Behind Act (2002) established reporting requirements that initiated a need to increase data collection at the state level.
 - NCLB requires states seeking government funding for education to create, maintain, and submit specified categories of anonymous data to the U.S. Department of Education.
 - Nonprofit policy groups and the U.S. Department of Education believe that “efficiency” can best be accomplished by the development of data systems that are interchangeable. The U.S. Department of Education is an active participant in this standardization in producing and developing statewide longitudinal databases resulting in the raising of privacy concerns.
 - Kansas is one of the states with longitudinal databases.
 - Kansas currently appears to be one of the three states that actually appear to be adhering to guidelines on rendering data non-personally identifiable. (http://www.edweek.org/ew/articles/2009/06/15/35subjects_ep.h28.html?qs=common+core+input) . They also have some type of detailed access restrictions outlined in their materials. They do require a Confidentiality Requirement Acknowledgement for those entities requesting personally identifiable information.
 - In consideration of the retention of materials, Kansas states broadly, “Information will be destroyed in a manner that protects confidentiality when information *is no longer needed.*” (Emphasis Added)[Kansas’ Answers to Parent’s Questions, *supra* note 262]
- The federal government, according to the National Data Collection Model, should collect information on health-care history, family income and family voting status.
 - Additionally the Department of Education proposed regulations that would allow it and other agencies to share a student’s personal information with practically any government agency or even private company, as long as the disclosure could be said to **support an evaluation of an “education program.”** [Emphasis Added]
 - The Department of Education released the regulations on December 2, 2011. As of January 3, 2012, interstate and intergovernmental agencies’ access to your child’s personal information will be practically unlimited according to a *New York Post* article by Emmett McGroarty and Jane Robbins on December 27, 2011.

Costs: In California an estimate in 2010 was \$800 million for new curriculum frameworks and instructional materials. In addition training teachers in the two subjects, Math and English would be as much as \$765 million. An additional \$20 million would be needed for instructional and training materials. The total estimated cost for California for retooling is about \$1.6 billion over a few years.

It has been estimated that the testing along with the technical support and equipment that will be required will cost Kansas taxpayers \$100/pupil/year. This is a high cost to support standards that have no empirical support. In fact, this committee recently heard from highly-credentialed education experts that the Common Core Standards could set our children back affecting their ability to compete globally. I urge you to review those excellent reports.

Part of the objections to HB 2289 is that it will cost Kansas to go back to state standards. What you have to also consider is what it will cost the state in sovereignty, parental and local control, and invasion of privacy. It could also cost you; the relevance of the state legislature and the Kansas State Board of Education in directing the education of our most precious asset---our children--- is also at risk.

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