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United States Senate

CHARLES E. GRASSLEY

WASHINGTON, DC 20510-1501

March 21, 2014

REPLY TO:

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Dear Colleague,

I invite you to join me in signing the attached letter to the leaders of the Senate Labor, Health and Human Services, and Education Appropriations Subcommittee asking that they include language in the fiscal year 2015 Labor, Health and Human Services, and Education Appropriations Bill to block the use of funding by the U.S. Department of Education for actions that interfere with state decisions on academic content standards.

While the Common Core State Standards Initiative was initially billed as a voluntary effort between states, federal incentives have clouded the picture. The selection criteria designed by the U.S. Department of Education for the Race to the Top (RTTT) Program provided that for a state to have a reasonable chance to compete for funding, it must adopt a “common set of K-12 standards” matching the description of the Common Core. The initial Notice of Proposed Priorities for RTTT set a deadline for adoption of such standards of June 2010, but as the release date for the Common Core Standards slipped, so did the deadline for adopting standards in the RTTT application. In fact, because the June 2, 2010 release date for the final Common Core Standards ended up being one day after the application deadline for RTTT, a special provision was included in the Notice of Final Priorities for the program stating, “*Phase 2 applicants addressing selection criterion (B)(1)(ii)(b) may amend their June 1, 2010 application submission through August 2, 2010 by submitting evidence of having adopted common standards after June 1, 2010. No other information may be submitted after June 1, 2010 in an amended application.*”

Out of the 44 states that applied for RTTT funds, 31 (plus the District of Columbia) adopted the Common Core State Standards within the two month window between the release of the standards and the special common standards adoption deadline for RTTT. Of the 12 states that adopted Common Core after the RTTT deadline, 9 had promised in their application to do so by the deadline and 3 had started the adoption process but had legal procedures in the state making it impossible to meet the deadline. Of the RTTT applicants, only Virginia declined to adopt Common Core because it determined its standards exceeded the content and rigor of Common Core. Virginia was therefore awarded zero points for the “adopting common standards” category in the RTTT application. This timeline resulted in most states adopting an entirely new set of standards with little or no opportunity for public comment or debate.

In fact, while many state boards of education had the authority to simply adopt the new standards without extensive public input, some states had to waive their normal process for adopting content standards. This illustrates the heavy-handed nature of the federal incentive. For example, Mississippi adopted the Common Core Standards as a temporary rule effective immediately, bypassing the requirements of the state’s Administrative Procedures Act using a “finding of imminent peril to public welfare in the loss of substantial federal funds from the Race to the Top Grant”. Illinois adopted Common Core by emergency amendment, waiving the required 45 day

Committee Assignments:

RANKING MEMBER,
JUDICIARY

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INTERNATIONAL NARCOTICS
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comment period. Oklahoma adopted the standards by emergency rule, bypassing legislative approval as its legislature was out of session.

In fact, the National Governor's Association, which helped lead the development of the Common Core State Standards, complained about the tight timeline being imposed on states in letter to Secretary Duncan stating, *"First, we greatly appreciate that the proposal supports and promotes the state-led Common Core State Standards Initiative. Unfortunately, the proposed draft application regarding the adoption of the common standards appears to conflict with the timeline agreed to by governors and chief state school officers in the Common Core State Standards Initiative Memorandum of Agreement (MOA). The MOA specified that states may adopt the common core standards in accordance with state timelines for standards adoption, not to exceed three years. In contrast, the proposed RTTT draft application requires adoption of the common core standards by June 2010."*

This heavy-handed push to get states to adopt the Common Core State Standards in such a short timeframe preempted an important public debate about the standards, which is now happening after the fact at the state level throughout the country. Unfortunately, this debate continues to be hampered by the fact that the U.S. Department of Education also made adoption of "college- and career-ready standards" meeting the description of the Common Core a condition to receive a state waiver under the Elementary and Secondary Education Act. While there is a more complicated process non-Common Core states could go through to prove their standards worthy to the U.S. Secretary of Education, uncertainty about that process and fear of losing a waiver combined with the possibility that future federal funds might be tied to adoption of the Common Core Standards hampers state level decision making. Race to the Top funds were also used to fund two consortiums developing assessments aligned to the Common Core Standards, providing a significant financial disincentive to adopting different, state-based standards and assessments.

All of these factors amount to inappropriate federal interference with decisions that are properly made at the state and local level, closer to the children affected and their parents. While senators may have different opinions about the standards themselves or the debate at the state level, there should be broad, bipartisan agreement that federal coercion in this area is inappropriate and should stop. Congress can end this overreach by the U.S. Department of Education by using its power of the purse to block further funding being used for such purposes. The proposed language in the attached letter would do just that and I ask for your support. If you would like to co-sign this letter, please contact James Rice of my staff by April 3, 2014.

Sincerely,



Charles E. Grassley
United States Senator