

A Republic of Republics

How Common Core Undermines State and Local Autonomy over K-12 Education

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by Robert Scott

Preface by U.S. Senator Charles Grassley



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Preface

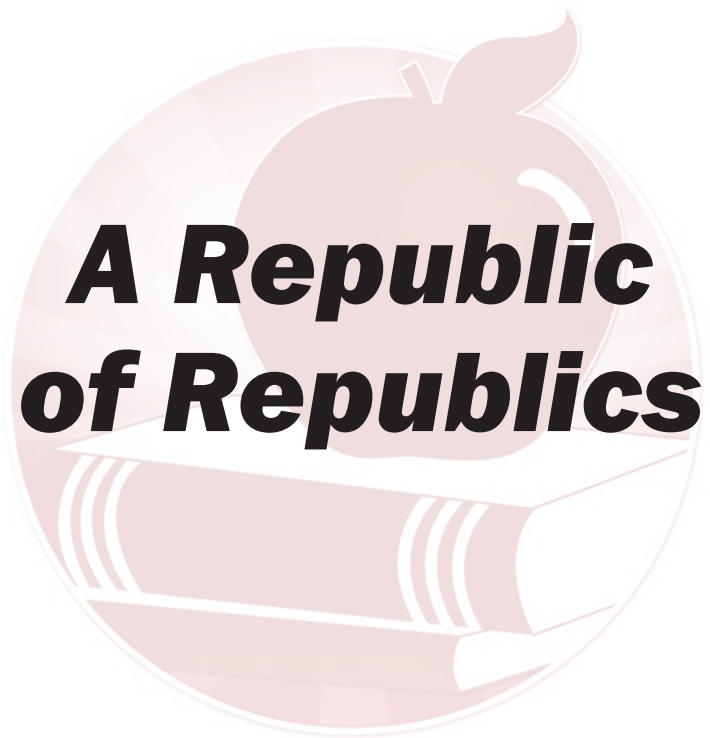
The system of federalism outlined in the U.S. Constitution is not a technicality nor was it an accident. It was designed to make the government accountable to the people by placing power locally. The question of what content students should be taught has enormous consequences for children. It should go without saying, but it bears repeating, that no one has a greater right than the parents to determine what is best for their child. As a result, parents should directly control as much of their child's education as possible. When the government makes decisions that affect children's education, these decisions should be made at the level of government close to the parents and students affected.

The Common Core State Standards Initiative was supposed to be a voluntary effort between states, but federal incentives have distorted the normal state decision-making process. The selection criteria designed by the U.S. Department of Education for the Race to the Top Program provided that for a state to have a realistic chance to compete for funds, the state must commit to adopting a "common set of K-12 standards." These standards matched the descriptions of the Common Core. The final Common Core Standards were released only two months before a deadline for states applying for Race to the Top to provide evidence of having adopted "common standards," which cut short any meaningful public debate about whether a state should adopt the standards. Furthermore, the U.S. Department of Education has also made adoption of standards meeting the description of the Common Core a condition to receive a state waiver under the Elementary and Secondary Education Act. As a result, states that might otherwise want to revisit their

decision to adopt Common Core Standards will have to think twice about risking their waiver.

I seek to eliminate further U.S. Department of Education interference with state decisions on academic content standards by using Congress's power of the purse to prohibit any further federal funds being used to advance any particular set of academic content standards. Whether states adopt or reject the Common Core Standards should be between the citizens of each state and their state elected officials. State governments must be able to make that decision, or to change their decision, based on direct accountability to the citizens of their states, free from any federal coercion.

- U.S. Senator Charles Grassley



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Prologue Statement

As a veteran of many curriculum reviews in the state of Texas, I was naturally skeptical of any movement to nationalize curriculum standards. However, my original response to the effort was one of “wait and see.” If something truly remarkable came out of such a process, it would be foolish for Texas not to incorporate it into our curriculum frameworks. Unfortunately, that was not the offer. Once we were told that states had to adopt the so-called Common Core State Standards in English and math with only a marginal opportunity for differentiation, it was clear that this was not about collaboration among the states. It was about control by the federal government and a few national organizations who believe they will be the ones to operate this new machinery.

—Robert Scott, former Commissioner,
Texas Education Agency

Executive Summary

In three years’ time, the United States has witnessed a sweeping effort to dramatically alter how educational systems are governed and how standards and curricula are developed. With the 2009 announcement of an initiative to develop and implement common standards and assessments across all states, and with subsequent federal incentive programs designed to encourage states to sign on to this new initiative, the federal government has fundamentally altered the relationships between Washington and the states. The United States has a history of state and local control of K-12 education, and that local control has always translated into diverse systems of educational governance and diverse standards.

By signing on to national standards and the assessments that will accompany them, participating states have ceded their autonomy to design and oversee the implementation of their own standards and tests. The implications of ceding this autonomy are varied. Not only do some states risk sacrificing high quality standards for national standards that may be less rigorous, but all states are sacrificing their ability to inform what students learn. Moreover, the act of adopting national standards has and will continue to disrupt legal and other processes states rely on to ensure the adequate and equitable delivery of educational materials and resources. Finally, and perhaps most distressing, the predicted cost to states of implementing Common Core is in the billions of dollars, a number that only stands to grow if implementation ramps up.

Drawing generously from the experience in Texas, one of only a handful of states that has thus far refused to adopt Common Core, this paper outlines a brief history of the initiative and the federal programs designed, in part, to incentivize states to join the effort. It goes on to describe the many costs, financial and otherwise, that accompany Common Core, not least of which is the cost to states of sacrificing their autonomy to make decisions about standards, testing and the many other aspects of education upon which these things touch. The paper ends with a brief discussion of the likely road ahead for national education reform and makes recommendations for how policymakers and concerned citizens might think about the proper federal and state roles in education vis-à-vis national standards and tests.

If Congress can apply money indefinitely to the general welfare, and are the sole and supreme judges of the general welfare, they may take the care of religion into their own hands; they may establish teachers in every State, county, and parish, and pay them out of the public Treasury; they may take into their own hands the education of children establishing in like manner schools throughout the Union; they may undertake the regulation of all roads, other than post roads. In short, everything, from the highest object of State legislation, down to the most minute object of police, would be thrown under the power of Congress; for every object I have mentioned would admit the application of money, and might be called if Congress pleased provisions for the general welfare...I venture to declare it as my opinion, that were the power of Congress to be established in the latitude contended for, it would subvert the very foundation, and transmute the very nature of the limited Government established by the people of America...

- James Madison

Introduction

In September of 2009, not even a year after the election of President Barack Obama, the National Governor’s Association (NGA) along with the Council of Chief State School Officers (CCSSO) announced that “fifty-one states and territories had signed on to the Common Core State Standards Initiative (CCSSI).” Then-CCSSO president and Arkansas Commissioner of Education Ken James said, “. . .we have been discussing and building momentum for state-led, voluntary common standards that are both rigorous and internationally benchmarked for the past two years.”¹

Both an evolution of and a response to the most recent authorization of the Elementary and Secondary Education Act (ESEA) – also known as No Child Left Behind (NCLB) – the CCSSI was borne of a desire to ensure that all American children are exposed to standards and tests that are comprehensive, rigorous, and uniform. Under No Child Left Behind, it had become clear that too many states had weak standards and were merely complying with the letter of the law rather than using it to promote students’ academic success.² The

CCSSI’s mission statement declares that the standards will:

[P]rovide a consistent, clear understanding of what students are expected to learn, so teachers and parents know what they need to do to help them. The standards are designed to be robust and relevant to the real world, reflecting the knowledge and skills that our young people need for success in college and careers. With American students fully prepared for the future, our communities will be best positioned to compete successfully in the global economy.³

This description of Common Core does little to describe what the initiative will look like in practice, however. Essentially, the Common Core State Standards will extensively define what students should know and be able to do in each grade. They are not a curriculum—local curricula will still be defined at the school and district levels—but they do dictate the first component any curriculum: content. The standards also drive how local curricula are sequenced and, by virtue of these first two things, will constrain some of the materials teachers use. That is, textbooks

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and other materials will need to be aligned to Common Core. So, while it would be premature to claim that the CCSSI amounts to a national curriculum, it will likely ensure that local curricula across participating states look quite similar.

The “road” to the CCSSI, as described by Robert Eitel and Kent Talbert for Pioneer Institute, was forged not only by the NGA and CCSSO but also by non-governmental organizations such as Achieve, Inc., ACT Inc., the College Board, the National Association of State Boards of Education, and the State Higher Education Executive Officers. Funding for development of the Common Core State Standards Initiative (CCSSI) came mainly from the Bill & Melinda Gates Foundation and the Charles Stuart Mott Foundation, with support from others.⁴

According to the Initiative, a broad range of educators, researchers, policymakers, and community groups, drafted the College- and Career-Ready standards and K-12 standards for English language arts and mathematics, although the rationale for the choice of individuals for each committee (standards development committee, standards writing committees, review committees, validation committee) was never provided. Both sets of standards were released and made available for public comment in September of 2009 and March of 2010, respectively.⁵ The timing is important because in 2009 the Obama Administration, as a part of the American Reinvestment and Recovery Act, had announced the Race to the Top (RTTT) grant competition. RTTT provided over \$4 billion to states willing to “spur innovation,” and the innovations that the competition valued were clear: RTTT sought to improve education in the United States in four

primary ways: 1) adopting internationally benchmarked standards and assessments that prepare students for success in college and the workplace; 2) recruiting, developing, rewarding, and retaining effective teachers and principals; 3) building data systems that measure student success and inform teachers and principals how they can improve their practices; and 4) turning around our lowest-performing schools.⁶

Though participation in the competition does not explicitly require states to adopt the CCSSI, as Eitel and Talbert point out, “the twelve (first round) winners of the Race to the Top Fund competition adopted or indicated their intent to adopt the CCSSI for purposes of meeting the requirement of ‘adopting internationally benchmarked standards.’”⁷ Indeed, some feel that RTTT required more than a mere intent to adopt. In that states were required in their applications to describe the legal authority they would use to follow through on implementing Common Core, it would seem that RTTT was seeking a commitment.⁸

Moreover, states applying to RTTT won points in the competition for joining one of two consortia of states willing to adopt the same standards and develop assessments aligned to those standards. Thus, in part because of the incentives provided by RTTT, by the time draft CCSSI standards were released in the fall of 2009 and spring of 2010, a majority of states had already signed on to the initiative and the first round of RTTT winners had adopted or checked off an intent to adopt the standards.

In addition to winning favor for Common Core, RTTT also helped create two large assessment consortia – the Partnership for Assessment of Readiness for College

and Careers Consortium (PARCC) and the SMARTER Balanced Assessment Consortium (SBAC) – comprised of states that had agreed to use the CCSSI and link assessments to them. United States Secretary of Education Arne Duncan announced those consortia on Sept. 2, 2010. With 99 percent of funding (eventually about \$180 million each) coming from federal Department of Education grants, both consortia, each with about half the states as participating members presumably reviewing test items, have begun to design and implement comprehensive assessment systems in mathematics and English language arts for use in the 2014-2015 school year.⁹

In the context of a decade-long education policy effort focused on creating standards and assessments and tracking individual school districts' progress in raising achievement on those tests, the CCSSI makes intuitive sense to many education leaders, teachers, and citizens. Creating common standards to assess student knowledge and skills linked to the standards could remedy many of the problems posed by No Child Left Behind, such as state standards that are uneven in content and quality, and an unrealistic and punitive accountability system that sometimes fails to give districts the support they need to improve.¹⁰

To others, however, the CCSSI is a risky endeavor, one that represents a dramatic undermining of state autonomy to direct their own educational programs and that sets aside the high quality standards and assessments some states have created in favor of lower quality standards and less academically demanding assessments for all U.S. states and territories.¹¹ Moreover, there are important questions about the extent to

which the federal Department of Education (U.S. ED) has overreached its authority.

Although the federal government does have a limited role to play in K-12 education—it is responsible for gathering data and performing research, ensuring the civil rights of students and families, and providing targeted or categorical funding to groups of underprivileged students—three federal laws explicitly prohibit the federal government from “directing, supervising, or controlling curriculum or programs of instruction.”¹² Many legal scholars believe that by essentially sponsoring Common Core through the Race to the Top competition, U.S. ED has violated those laws.¹³ In providing, for example, PARCC and SBAC with roughly \$362 million,¹⁴ Eitel and Talbert argue that the Department is simply paying others to do what it legally cannot—design and implement a national curriculum framework in the form of standards and tests to accompany it:

Through these awards, which use assessments to link the Common Core standards of CCSSI with the development of curricula and instructional materials, PARCC and SBAC (as grantees of the Department) enable the Department to do indirectly that which federal law forbids. The assessment systems that PARCC and SBAC develop and leverage with federal funds, together with their hands-on assistance in implementing the CCSSI in substantially all the states, will direct large swaths of state K-12 curricula, programs of instruction, and instructional materials, as well as heavily influence the remainder.¹⁵

This questionable use of federal funds to sponsor standards and testing has been accompanied since 2011 by what some see as

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a heavy-handed effort to force states to adopt the CCSSI by excusing them from some of the most onerous requirements of No Child Left Behind. Since 2011, 38 states have applied to U.S. ED for waivers from NCLB, many of which are “conditional,” requiring states to adopt “college- and career-readiness standards such as those included in the Common Core. The conditions themselves are a departure from what is required under No Child Left Behind.”¹⁶

Though the Obama administration has long denied that states must sign on to the Common Core to get a waiver, it remains to be seen what will happen with states like Texas, that “want nothing to do with the Administration’s conditional waivers.”¹⁷ California and Iowa have both been denied waivers. Though the U.S. ED doesn’t publicly release information about why waivers are denied, some states have chosen to release that information of their own accord. For example, Iowa published its denial letter and shared it with the Congressional delegation, prompting Senator Grassley to write to Secretary Duncan, criticizing the denial on the basis of the state’s failure to adopt policies that don’t appear in federal law.¹⁸ In California, State Board of Education President Michael Kirst has claimed his state was denied a waiver because of its unwillingness to tie teacher evaluations to test scores.¹⁹

It is important to note that at least one state, Virginia, has received an NCLB waiver without officially signing on to Common Core. USDE is offering Virginia as proof that receipt of a waiver is not dependent upon adoption of the standards. However, a closer look at the changes Virginia made to its standards to receive the waiver is telling. First, Virginia obtained an agreement to “endorse”

its state standards from its higher education institutions in a process not specified in either federal or state law, but required by U.S. ED. Additionally the state modified its standards and provided full documentation to U.S. ED that the updated standards—though not exactly identical—are “fully aligned” with Common Core (this according to the state’s submission to the federal government). Finally, Virginia actually had to add to its state standards to reach full alignment with CCSSI. The modifications included a “Supplement to the Mathematics Curriculum Framework.”²⁰

Thus, although neither RTTT nor the conditional waivers being provided under NCLB mention the Common Core State Standards Initiative, it seems clear that the Obama Administration and U.S. ED would like every state to adopt the CCSSI, and that they will go to great lengths to ensure that even states that refuse to join make significant amendments to their standards in the name of aligning with Common Core. As the federal government has no constitutional authority to require states to do such a thing, the administration and its department are using everything at their disposal to entice states to participate and, when that doesn’t work, coerce them to do so by imposing their authority through the granting of NCLB waivers. In the vast majority of cases, states need waivers to escape requirements they cannot possibly meet.

Moreover, especially in the current economy, many states see potential RTTT funding as a necessary boon to their education budgets, which makes it exceedingly difficult for states to say “no” to the CCSSI. In that it has convinced a vast majority of states to sign on to national standards and tests, it would seem

the federal government has done just what James Madison predicted it might if given the opportunity. It has “*take[n] into [its] own hands the education of children establishing in like manner schools throughout the Union.*”²¹

Legal and Political Aspects of CCSSI and RTTT in Texas and Beyond

While many of the legal and political implications of CCSSI and RTTT are relevant in all 50 states, especially questions about whether the programs violate federal law, it is helpful to understand the issues posed by these initiatives on a smaller scale. Because states have ultimate authority over public education, each has, over time, developed its own education laws and nuanced approach to crafting and delivering programs.

Texas is one of only five states to announce that it would not adopt Common Core.²² For this reason, the state provides a useful lens through which to view the challenges that the CCSSI does and will pose for state and local governments. Both the factors that led Texas to come to its decision and the national criticism and consequences the state has faced since then make it an interesting case study for understanding the federal push for the CCSSI and the challenges states that signed on to the initiative might yet face.

When the CCSSI was announced in 2009, leaders in Texas and most other states were not surprised; education policymakers in some circles had long promoted the idea of national standards in one form or another. President Bill Clinton proposed but failed to implement voluntary national tests in reading and mathematics in the 1990s, and earlier efforts, such as Goals 2000, had attempted

to model standards-based reform.²³ State leaders’ initial reaction was to “wait and see.” Although Texas already had high-quality standards that had been lauded nationwide, education leaders and policymakers were open to the idea that the CCSSI could offer something additional to incorporate into public education in the state.

That attitude began to turn to skepticism, however, when it soon became apparent that CCSSI was going to be different from other failed attempts at national standards (i.e., in history and English language arts). With the announcement of serious financial backing for Common Core from the Bill & Melinda Gates Foundation and the unveiling of the RTTT competition and its promotion of “college- and career-ready standards,” Texas officials soon realized that the CCSSI, though couched as “voluntary,” was going to amount to more than just a suggestion by the federal government. State policy leaders came to believe that the money being poured into the standards by both government and large private donors would eventually persuade states to sign on. Critics pointed out that all positive evaluations of Common Core’s quality were either funded directly by or funded by organizations with links to the Gates Foundation.²⁴

Texas, for one, had a longstanding, positive relationship with Gates. Prior to the announcement of Common Core, the state was working closely with foundation representatives to implement a new data system that was expected to garner a \$10 million grant. In part because of this, the question of whether to sign on to the CCSSI was a loaded one. Via RTTT and other mechanisms, states were under pressure to make a decision, and deciding to adopt

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the standards could help states maintain or gain favor with the nation's largest educational philanthropy.

To make things even more complicated, states were being asked to make their decisions before the standards were even finalized. Citizens and policymakers alike wanted to know: *Who is writing these standards? Where are the authors coming from? What do they think?* The answers to these questions would have great implications for the kind of standards and tests to which American students would be exposed.²⁵

For Texas and other states, there were also larger questions about the implications of agreeing to use and implement tests aligned to national standards—standards that were, at the time, still an unknown quantity. What if the standards turned out to be inferior to those already in place in some states? What flexibility would states have to override or amend the standards, and what would be the implications at the state and district levels of having to do so?

Of course, as the standards were developed, RTTT money was offered to states, and the assessment consortia²⁶ took shape, answers to these questions became clear. For states like Massachusetts, Minnesota, Indiana, California, and Texas, the CCSSI was a step down in quality. Researchers and scholars like Sandra Stotsky, R. James Milgram, and Ze'ev Wurman, among others, have written convincingly on this point.²⁷ Both Stotsky and Milgram have also testified before two state legislatures regarding the quality of Common Core. Stotsky pointed out to the Indiana legislature:

Common Core's 'college readiness' standards for English language arts

*and reading do not aim for a level of achievement that signifies authentic college-level work. They point to no more than readiness for a high school diploma (and possibly not even that, depending on where the cut score is set). Despite claims to the contrary, they are not internationally benchmarked. States adopting Common Core's standards will damage the academic integrity of both their post-secondary institutions and their high schools precisely because Common Core's standards do not strengthen the high school curriculum and cannot reduce the current amount of post-secondary remedial coursework in a legitimate way.*²⁸

Speaking to the quality of Common Core's mathematics standards before the Texas legislature, R. James Milgram²⁹ echoed much of what Stotsky told representatives in Indiana about English language arts and reading:

...there are a number of extremely serious failing in [Common]Core Standards that make it premature for any state with serious hopes for improving the quality of the mathematical education of their children to adapt them. This remains true in spite of the fact that more than 40 states have already adopted them. . .For example, by the end of fifth grade the material being covered in arithmetic and algebra in Core Standards is more than a year behind the early grade expectations in most high achieving countries. By the end of seventh grade, Core Standards are roughly two years behind. . .When we compare the expectations in Core Standards with international expectations at the high school level we find, besides

the slow pacing, that Core Standards only cover Algebra I, much but not all of the expected content of Geometry, and about half of the expectations of Algebra II. Also, there is no discussion at all of topics more advanced than these.

This testimony is especially compelling considering the limited flexibility states have been given. States that signed on to the initiative agreed that the CCSSI would constitute at least 85 percent of the standards in each subject area, leaving states “the option to identify as much as 15 percent in additional standards” (which would not be assessed on the common tests).³⁰

On their own, these requirements might have been enough for Texas to opt out of the initiative. Despite them, however, state education leaders knew that any attempt to do otherwise would be fraught with legal challenges. Indeed, Texas need only look to Section 9527 of the No Child Left Behind Act, which states:

- A) Nothing in the Act shall be construed to authorize an officer or employee of the federal government to mandate, direct, control a state or local education agency, a school’s curriculum, program of instruction, or allocation of state of local resources, or mandate a state or any subdivision thereof to spend any funds or incur any costs not paid for under this Act.*
- B) Notwithstanding any other prohibition of federal law, no funds provided to the Department under this Act may be used by the Department to endorse, approve, or sanction any curriculum designed to be used in an elementary or secondary school.*

In brief, if signing on to the CCSSI meant that Texas would have to overhaul 85 percent of its curriculum at the behest of an initiative endorsed (if not sponsored by) the federal government, it would have to change its education codes to do so. Though such a move might be possible with a push from a majority of state citizens and the right political will, it was certainly not likely. There was little indication at the time that Texans felt confident that the CCSSI would be a good move for the state.

But if the decision to forego participation in the CCSSI seemed an easy one, the decision not to apply for RTTT funds was slightly more controversial. Some believed the state should not give up additional education funding over a legal issue with Common Core; many states were signing on, and it was clear that some would have to change education policies to do so. Substantial grant money once promised by the Gates Foundation had vanished in the wake of the state’s announcement that it would not to sign on to CCSSI. Could the state really afford to say “no thanks” to RTTT?³¹

To the general public, \$700 million, the amount Texas stood to gain if it won an RTTT grant, is a lot of money. The sum, however, is less impressive when put in context: It costs over \$300 million per day to run public schools in Texas, so had the state decided to vie for the funding and won it, it would have walked away with roughly enough money to run its schools for two days in exchange for giving up substantial autonomy to direct education policy in Texas in the manner that seemed most fitting at the local level. Governor Rick Perry clearly stated his decision not to trade autonomy for money in a 2010 letter to U.S. Secretary of Education

Arne Duncan: “In the interest of preserving our state sovereignty over matters concerning education and shielding local schools from unwarranted federal intrusion into local district decision-making, Texas will not be submitting an application for RTTT funds.”³²

While state autonomy was foremost in the minds of Texas policymakers when Perry announced that the state would not seek Race to the Top funding or sign on to Common Core, there were ample reasons beyond autonomy to forgo the competition. Simply put, adopting the Common Core, whether directly or by making the concessions that likely would have been necessary to win RTTT funding, would have had enormous practical and tactical implications. For starters, the state would have had to engage in the lengthy process of making the move to Common Core available for public debate. Following that, the move would have to be approved by the State Board of Education. All this would have had to happen in addition to the legal changes the state legislature would have to approve.

Beyond the formal process of getting Common Core approved, Texas and many other states have developed over the years, and especially since the authorization of No Child Left Behind, elaborate education policies and systems that affect everything from the adoption of textbooks to teacher professional development. When it advised the governor not to seek RTTT funding, the Texas Department of Education had foreseen the havoc that adoption of Common Core would wreak on state processes. While other states might have predicted it as well, many that signed on to the initiative are only beginning to experience the policy and implementation issues that a move to national standards and tests raises.

Processes Used to Adopt Common Core across the States

Even if the decision to adopt Common Core was an easy one for some states that chose to believe without evidence that it was a chance to increase the rigor of their standards, the process of changing any set of state standards, let alone adopting national standards, isn't always simple.

As Lorraine McDonnell and Stephen Weatherford point out, “in most states, adoption of the CCSSI to replace the state's existing standards required a vote by the state board of education (SBOE) because of its authority over state standards.”³³ Given the context, however, in which the CCSSI were proffered and the condensed timeline between the announcement of CCSSI and Race to the Top, many normal state processes were either truncated or abandoned altogether. McDonnell and Weatherford summarize what the process looked like in many states:

Even the Common Core's strongest supporters assumed that it would take three years or more for a majority of states to adopt the standards. They based that estimate on the extensive consultation and deliberation usually required when states adopt new content standards. However, the deadlines for the federal Race to the Top competition, which awarded up to 70 points (14 percent of the total) on applications from states that adopted common standards and assessments, meant the adoption process in most states was shortened to only a few months if not weeks. Consequently, the process often resembled a political campaign targeted at individuals and groups who had the potential to influence the SBOE vote. CCSSO and NGA provided their

*constituents with a “messaging toolkit” that included answers to frequently asked questions, template letters to the editor, and a sample op-ed article that could be adapted depending on whether the author was a business leader, teacher, civil rights leader, or a parent.*³⁴

Of course, in some states, especially those like Massachusetts, Indiana, California, and Texas, Common Core, even in the context of RTTT, was more controversial. In these states, attempts (not always sincere) were made to provide the public and boards of education some information on what the shift would mean for teachers and, especially, for students. Research centers and private foundations provided “crosswalks,” or side-by-side comparisons of existing higher quality state standards to Common Core.

In Massachusetts, four independent studies are worth noting. These evaluations, which were published by Pioneer Institute and performed by Sandra Stotsky, Ze’ev Wurman, and R. James Milgram found the Massachusetts’ standards superior to Common Core, especially in terms of literary text selection, vocabulary building, and basic mathematical progressions to algebra I.³⁵ In addition to the Pioneer studies, three others, which had been funded directly or indirectly by the Gates Foundation, were summarized by the *New York Times* in 2010:³⁶

Achieve, Inc., a Washington-based education reform group, found the Common Core standards “more rigorous and coherent.” WestEd, a research group that evaluated the standards for the Massachusetts Business Alliance for Education, found them comparable. And [the Fordham Institute] said the

Massachusetts standards and the common core standards were “too close to call.”

Ultimately, a majority of states that conducted crosswalks or relied on Achieve’s and/or Fordham’s ratings adopted Common Core. The analyses that the Gates Foundation had directly or indirectly funded, however, did not mean Common Core had necessarily been subject to rigorous scrutiny by state education leaders, state board members, or even citizens and parents. In many cases, “state policymakers and their staffs assumed that CCSSO and NGA had used the validation committee and other mechanisms to ensure that the CCSSI had been adequately vetted and were grounded in relevant research.”³⁷ This meant in practice that the research base for Common Core (and the question of international benchmarking) was “rarely a topic of discussion at the state level.”³⁸ In fact, had states known that five members of the validation committee did not sign on to Common Core—a fact not mentioned in the Common Core Validation Committee Report—they might have better scrutinized the standards.

In response to such concerns, some states have relied upon and even developed legislation to ensure the quality of and even provide an exit route from the Common Core. Utah’s education code, for example,

*“authorizes the state to exit any agreement that cedes control of Utah’s core curriculum standards to any other entity, including a federal agency or consortium, for any reason, including among others the cost of developing or implementing core curriculum standards, or the proposed core curriculum standards are inconsistent with community values.”*³⁹

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South Dakota citizens have likewise expressed skepticism about Common Core’s quality and have required the State Board of Education to “conduct at least four public hearings in order to give members of the public the opportunity to provide input to the board on whether the standards being proposed should be adopted.”⁴⁰ This measure represents the kinds of actions many states either undertook quite hastily or didn’t undertake at all in the rush to secure RTTT funding by signing on to the CCSS.

Of course, such retroactive measures might not have been necessary had some states opted to highlight existing constitutional and legal commitments to local autonomy when it comes to the developing standards and the local curricula that derive from them. Section 15 of Colorado’s Constitution provides that the “directors” of each school district in the state “shall have control of instruction in the public schools of their respective districts.” Moreover, section 16 of the Constitution provides that “neither the general assembly nor the state board of education shall have power to prescribe textbooks to be used in public schools.” This strong show of commitment to school district autonomy calls into question whether the state or any other entity aside from the local school district has authority to prescribe what is taught in schools or how.

As implementation of the CCSS proceeds at the local level it is not only questions of authority that educators and district leaders are raising. Indeed, some of the questions about who has the ultimate authority to prescribe standards are arising specifically because there remain important concerns about the content of the CCSS and how that content will change assessments and other state

processes.⁴¹ In some cases, these concerns have caused states to take legislative action that effectively “backpedals” on the CCSS. In 2013, several states have passed legislation that requires state boards to take a deeper look at the quality of the standards, others have withdrawn from the SBAC or PARCC consortia, and still others have threatened to withdraw from Common Core entirely.⁴² (See Table 1).

Impact of Common Core on Curriculum, Assessment, and Other State Processes

Major points of contention about the academic content of the Common Core standards and the assessments that will be aligned to them tend to fall into two categories: 1) Common Core’s emphasis on non-fiction instead of literary texts (Common Core includes a push by the standards’ developers to have teachers deliver reading instruction in a manner that is devoid of context), and 2) the progression of some of Common Core’s mathematics standards.

According to Jay Matthews, education columnist for *The Washington Post*, “many English teachers don’t think [the emphasis on non-fiction texts] will do any good. Even if it were a good idea, they say, those who have to make the change have not had enough training to succeed — an old story in school reform.”⁴³ Matthews goes on to cite a study by Stotsky and Bauerlein for Pioneer Institute, which notes: “problems in college readiness stem from an incoherent, less-challenging literature curriculum from the 1960s onward. . . until that time, a literature-heavy English curriculum was understood as precisely the kind of pre-college training students needed.”⁴⁴

Table 1: CCSSI: A Glimpse of Legislative Actions Across the States

	Existing Legislation	Proposed Legislation
Alabama	Joint resolution 49: state board should “take all steps it deems appropriate . . .to retain complete control over Alabama’s academic standards, curriculum, instruction, and testing system.	
Georgia		SB167 A proposal to withdraw Georgia from the CCSSI
Colorado	Sections 15 and 16 of Colorado Constitution give districts control of instruction in public schools and prohibit the state or any other entity from prescribing textbooks to be used in district schools.	
Indiana	SB 193 halts implementation of the Common Core “until the state board of education conducts public hearings in each of the state’s nine congressional districts.” Also requires state to “conduct an in-depth cost analysis of moving to the national standards.”	
Kansas		HB2289 would prohibit the use of the Common Core Standards (referred to House Education Committee, February 12, 2013.
Missouri		On February 14, 2013, Missouri legislator Kurt Bahr filed HB616 would prohibit the State Board of Education from implementing the Common Core or any other statewide education standards without the approval of the General Assembly (filed February 14, 2013).
South Dakota		HB1204 would require the South Dakota Board of Education to “obtain legislative approval before adopting any further Common Core standards, and to repeal a provision requiring the board to conduct certain public hearings.” (Approved by the S.D. House Education Committee, Feb. 15, 2013.)
Texas	Section 28.001 of the Texas Education Code (subsection c) requires the State Board of Education to adopt curriculum standards with the direct input of parents, educators, parents and business and industry representatives.	
Utah	S.B. 287 requires the state board of education to “conduct at least four public hearings in order to give members of the public the opportunity to provide input to the board on whether the standards being proposed should be adopted.”	

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Many educators and policymakers at both the state and local levels have also taken issue with the way the CCSSI encourages teachers to use the standards. One pedagogical method encouraged by Common Core (and for which it provides exemplars within the appendices of the CCSSI) is called ‘cold reading,’ a technique in which teachers have students engage a text cold, without any background or context for what they are about to read. The rationale for doing so is that this is the kind of reading students will have to do for standardized tests. As one teacher explains (with reference to CCSSI writer David Coleman’s workshop on The Gettysburg Address):

Such pedagogy makes school wildly boring. Students are not asked to connect what they read yesterday to what they are reading today, or what they read in English to what they read in science. The exemplar, in fact, forbids teachers from asking students if they have ever been to a funeral because such questions rely “on individual experience and opinion,” and answering them “will not move students closer to understanding the Gettysburg Address”... (This is baffling, as if Lincoln delivered the speech in an intellectual vacuum)... The exemplar instructs teachers to “avoid giving any background context” because the Common Core’s close reading strategy “forces students to rely exclusively on the text instead of privileging background knowledge, and levels the playing field for all.” What sense does this make?⁴⁵

Clearly, not only do some teachers feel that the standards and the ‘suggestions’ that accompany them are a direct assault on autonomy, they also find that some of the standards and accompanying materials are

not well reasoned and, in fact, play to the needs of low-achieving students. In effect, the manner in which CSSI suggests the standards should be delivered lowers the overall quality, richness, and rigor of the educational experience.

In addition to these issues, some states are finding that key organizational aspects of the CCSSI are posing implementation problems for teachers. Curriculum and assessment expert Grant Wiggins, who is widely respected in the field, noted for *Education Week*,

...the mathematics components of the Common Core State Standards Initiative are a bitter disappointment. In terms of their limited vision of math education, the pedestrian framework chosen to organize the standards, and the incoherent nature of the standards for mathematical practice in particular, I don’t see how these take us forward in any way.⁴⁶

His sentiments are surprisingly echoed by one of the writers of the Common Core math standards, William McCallum, who believes that “overall standards [aren’t] very high” and “not up to the standards of other nations.”⁴⁷

Moreover, beyond the specifics of its organization, there are components of the CCSSI that simply fail to account for regional differences and sensitivities. In explaining the concept of modeling that is present in the math standards, for example, the authors of the standards write: “In descriptive modeling, a model simply describes the phenomena or summarizes them in a compact form. Graphs of observations are a familiar descriptive model—for example, graphs of global temperature and atmospheric CO² over time.”⁴⁸ While this explanation is not in

any way incorrect, the example itself ruffles feathers in regions, states, and localities where global warming is a contested theory, as in many of the nation's largest oil producing states. Thus, in ways both large and small, the national standards are not only undermining local autonomy, they are injecting politics by means of examples for the curriculum.

Politics and the sensitivities that accompany it are, of course, best taken into account at the local level, which has happened in many states since No Child Left Behind required the development of state standards. In most cases, standards are drafted by committees of educators representing districts around the state and then open to a long period of public comment and review only to be revised again to the satisfaction of various constituents. These processes were circumvented when states decided to sign on to Common Core, and it is only now that educators and policymakers are feeling the impact.

The impact will be felt even more when it comes time for states to implement assessments aligned to Common Core. As of yet, states have only a scanty idea of what those assessments will look like and how they will be delivered. Concern abounds on both counts, since students, and in many cases teachers, will be held accountable for student outcomes on those assessments.

Educators and citizens have begun to ask important questions—questions to which they had answers under most state testing systems. They include: “What will be the cut score (or passing grade) for these assessments, and who will set it?” “Will the cut score be the same from state to state?” “What are the implications for student and teacher accountability if my state does not have the resources to help me implement Common

Core effectively?” “How will student results on the Common Core assessments be viewed by universities and other post-secondary institutions?”

Although answers to some of these questions are coming to the fore, they have not gone a long way to quell educators' fears. In fact, it is now required that the national assessments be delivered to students electronically, which has led many at the state and local levels to wonder, “What if we don't have enough computers for each student?” and “Who pays for us to upgrade technology?”⁴⁹

These and other questions about Common Core's implementation costs are heard more and more in states and local districts as officials begin to realize the extensive changes associated with implementing an entirely new set of standards; everything from textbooks and other curricular resources to teacher professional development is impacted by state decisions to adopt Common Core.

Resources and Professional Development: The Cost of the Common Core

Before even considering the significant costs of implementing Common Core—costs that include the purchase of classroom resources aligned with the standards, professional development, and even changes to teacher evaluation systems—it is important to consider that overhauling standards also disrupts policies and processes in many states. Texas, for example, has over the last decade developed a systematic process for the adoption of textbooks. That process is on a cycle determined by the Board Education and legislative appropriations and considers not only that all textbook adoptions are

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subject to State Board of Education approval, but also that the process should be a public and transparent one—taxpayers have a right to examine what children will be taught in public schools.

For states that have similar textbook adoption processes, such as California and Florida,⁵⁰ the associated costs of disrupting established process are not limited to the actual adoption of new textbooks. States would also lose money by replacing textbooks that would not yet have been up for replacement. Perhaps most important is the cost of having to adopt new textbooks quickly. States that have adopted Common Core are only now transitioning to using the standards in schools. Even those that have had funding to do so have either thus far failed to adopt the needed resources or adopted materials in an expedited fashion, which limits the time available for public debate.⁵¹ When one considers that most local teachers were not involved in the creation of the CCSS, this becomes more problematic: the very people who will be delivering the curricula derived from the new standards have had no opportunity to inform their content.

To exacerbate this issue, it is not just the standards' content, but also the resources to support teachers in teaching to the standards that are of low quality. McDonnell and Weatherford point out that of the great amount of online material that has come available to educators, much of it fails to “draw on the more than 30 years of research on implementing federal and state policy in schools and classrooms.”⁵² Matthew Chingos and Grover Whitehurst of the Brookings Institute also express concern in this vein, claiming that states are “choosing blindly, when it comes to selecting resources aligned

to the Common Core:

*Publishers of instructional materials are lining up to declare the alignment of their materials with the Common Core standards using the most superficial definitions. The Common Core standards will only have a chance of raising student achievement if they are implemented with high-quality materials, but there is currently no basis to measure the quality of materials.*⁵³

Beyond the resources that support students in their work, teachers also require targeted, high-quality, professional development if they are to understand the standards in a way that allows those teachers to effectively teach to them. For many states, the standards are a great departure from what has been in place for the past decade. The language arts standards focus much more on writing across the curriculum than those to which many teachers have been accustomed. The new mathematics standards will mean teaching different subjects at different grades for some, all with a greater emphasis on student discourse as a pedagogical strategy for understanding mathematics. States recognize that too little training has been provided; teachers are “learning as they go.”⁵⁴

Given the costs associated with professional development, the implementation of new instructional materials, and even the deployment of new technologies, “learning as they go” is an expensive gamble. For these three things combined, researchers at AccountabilityWorks predict a one-time cost to participating states of \$10,522,885,028. That, however, does not include the ongoing costs of the transition to Common Core. Those costs, over a typical seven-year implementation horizon,

are estimated at approximately \$16 billion across participating states. Included in that estimate is \$1.2 billion for the new common assessments, \$5.3 billion in professional development for teachers, \$2.5 billion in textbooks and instructional materials, and \$6.9 billion to build the technological infrastructure necessary to deliver common assessments.⁵⁵

Conclusion

As steep as Common Core’s financial cost may be, if we continue down the current path to national education standards and tests, the United States stands to lose that which makes our education system unique among nations: our long tradition of state and local autonomy. It is important to remember that American schools were first established in towns and cities by parents and community members who saw the value of formal education. This organic approach ultimately led to a system of compulsory education overseen by each state, but until now, the tradition of local schooling has largely been maintained. American public schools are governed by local school boards and committees comprised of parents and community members. Even at the state level, citizens with an understanding of local norms and interests drive decision-making processes around standards and curricula. These facts beg the question: If we nationalize standards and testing in this country, what is the real impact of the likely loss of state and local autonomy and input?

In addition to enticing states to sign on to Common Core with Race to the Top incentives and conditional NCLB waivers, the current Congress could include provisions requiring participating states to adopt national standards and tests in the upcoming reauthorization of the ESEA.

Should this happen, states that have stood their ground and pledged to maintain control of their own educational systems will be in a precarious position.

In 2010, President Obama outlined a plan to “make funding for districts under Title I—the flagship program of the Elementary and Secondary Education Act—contingent on states’ adoption of reading and math standards that ‘prepare students for college or a career’,”⁵⁶ the language that the administration has consistently used to describe the CCSSI. For most states, the impact of ESEA funding is substantial, which makes the threat of withholding Title I funds from states that refuse Common Core compelling. Essentially, a refusal to participate in the largest federal grant program for K-12 education would mean across-the-board cuts that could devastate these school systems and the children they serve. Indeed, it is just this reality that might ultimately make Obama’s proposal difficult to implement, as highlighted by the United States Supreme Court in 2012.

In its 7-2 decision to strike down a Medicaid expansion included in the *Affordable Care Act*, Chief Justice Roberts noted that “Congress may use its spending power to create incentives for states to act in accordance with federal policies. But when pressure turns into compulsion, the legislation runs contrary to our system of federalism.”⁵⁷ The implications of this decision and the rationale behind it are quite pertinent to the administration’s education proposals. For if the “choice” to adopt Common Core for receipt of Title I funds is less a choice than it is coercion, it should hold that the same Court would take issue with withholding existing and substantial federal education aid from any of the 50 states that currently accept it.

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In addition to questions about its legality, any effort to tie ESEA funds to adoption of national standards and assessments would mean a fundamental reorganization of the many diverse state education systems on which this country was built. Thus we find ourselves in a moment when states and the schoolchildren they serve have been “thrown under the power of Congress,” just as Madison warned. The following are recommendations to that Congress and the policymakers and citizens who inform it. They are meant to help all states function within the confines of the day’s political reality, while ceding no more of the autonomy that has made many local education systems great.

Recommendations

These recommendations consider that progress is made when states, not the federal government, take of education reform. The Founders rightly envisioned a limited federal role in education, and current federal law prohibits federal involvement in curriculum – a prohibition that could be violated if Washington mandates a national standards and testing regime.

Prohibit any future federal funding from being conditioned on, or otherwise using federal funds to incentivize, state adoption of the Common Core national standards. As conceived in 1965, Title I funds are meant to provide compensatory federal education funding, to help states close achievement gaps in districts with high concentrations of poverty. Tying Title I funds – or any federal funding – to adoption of the Common Core national standards represents a major overreach into the content taught in local schools.

U.S. ED should increase transparency to the public about the amount of money and time it has allocated to push Common Core, including amount of employee time and federal money that has been and continues to be allocated to support development and implementation of Common Core and national testing consortia work. Such transparency can aid public understanding of whether and how federal money is being used to support these efforts.

Congress should request a Government Accountability Office (GAO) investigation of federal funding allocated to support Common Core and the national testing consortia; NGA and CCSSO should likewise increase transparency. Both the NGA and CCSSO, which collect dues from member states, should make clear what, if any, part of those public dues are being allocated toward support of Common Core and national testing consortia. Member states should have a clear understanding of how their public dues are being used.

U.S. ED should release relevant correspondence under the Freedom of Information Act, so the public may have a better understanding of the development and implementation of Common Core and the interests of various stakeholders involved. Correspondence should include but not be limited to correspondence between U.S. ED, key state commissioners and state DOEs, NGA, CCSSO, Achieve, SBAC, PARCC, College Board, and Gates Foundation.

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The Honorable Robert Scott is currently a Principal at the Texas Star Alliance. He served as the Texas Commissioner of Education from 2007 until 2012 and was confirmed unanimously by the Texas Senate in 2009 and 2011. As Commissioner, he served as the head of the Texas Education Agency, which oversees the state's 1200 school districts and charter schools. Prior to becoming Commissioner of Education, he served twice as interim Commissioner in 2003 and 2007 and served as Chief Deputy Commissioner from 2004 until 2007. He has also served as an assistant to two previous Commissioners of Education and as a legislative advisor to the Texas State Senate and U.S. House of Representatives.

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