



Position on Common Core Standards

Overview:

The education of America's children was of primary importance to our nation's Founders. Thomas Jefferson wrote "I look to the diffusion of light and education as the resource to be relied on for ameliorating the condition, promoting the virtue, and advancing the happiness of man". Yet, the United States Constitution does not mention the word "education". The Founders believed in a limited federal government and local control of educating children. In the 1970's it became measurably apparent that a ten year comparison of the average American students revealed a considerable decline of academic achievement. The ensuing attempt to remedy public education brought decades of studies, the formation of committees, and eventually the development of educational standards. With the aim of developing one set of standards for every American child the result was the Common Core State Standards.

Liberal view of public education:

After over 200 years of public education being controlled at the local and state level, the dismal results of recent testing indicate that the federal government is uniquely enabled to set uniform academic standards for every American child. National uniform standards would assure mobility, international competitiveness, and a more rigorous and controllable curriculum in a technologically advancing world.

Conservative view of public education:

Historically, parents and teachers determined the curriculum, textbooks, course content and graduation requirements at the local level with an eye towards the local necessities for economic survival. Parents were considered the primary educators of their children. Post-1900, school districts began consolidation in the major cities and school boards began devising and implementing curricula. By the Great Depression and the New Deal Era, school corporations were supplanting the local districts, and statewide education departments were usurping the local control and imposing statewide curricula. Conservatives view this gradual and deliberate removal of local control as a pre-emption of parental and local control. The parents are now relegated to being mere checkbooks, sitters and the chauffeurs of children that belong to the state. Education is NOT a constitutionally enumerated power and therefore neither the concern nor responsibility of the federal government. Conservatives believe that local control and free market principles, when applied to curriculum and assessments, will yield a more manageable educational process and superior results.

Chronographic History:

In order to fully appreciate the complexity of what encompasses the Common Core Standards, one needs to start with a timeline of events leading to their development.

- 1965 Elementary and Secondary Education Act (ESEA) – The education portion of President Lyndon Johnson's Great Society program. Latest incarnation expired without reauthorization on 30 September 2008 (31 pages and 1 billion dollars).



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- 1974 Family Education Rights and Privacy Act (FERPA) – gives certain rights to students and their parents which protect sensitive information.
- 1979 The Department of Education (DoE) is established by President Jimmy Carter (3rd largest budget after DOD and DHHS).
- 1981 The Commission on Excellence in Education is formed by direction of President Ronald Reagan. It is headed by Sec. of Education T.H. Bell.
- 1983 “A Nation At Risk: The Imperative For Education Reform” report is published by The Commission on Excellence in Education.
- 1989 President George Bush calls for The First National Education Summit. This summit was attended by the nation’s governors and led to the push to build a system of national education standards.
- 1996 The Second Educational Summit. Led to the creation of Achieve Inc., a bipartisan organization founded by business leaders including Bill Gates, Craig Barnett of Intel, and Louis Gerstner of IBM in association with the nation’s governors.
- Achieve, Inc. begins the American Diploma Project (ADP) partnering with The Educational Trust, The National Alliance of Business, and the Fordham Foundation. The funding comes from the governors and business leaders.
- 2001 No Child Left Behind (NCLB) is enacted as the seventh reauthorization of the Elementary and Secondary Education Act of 1965. NCLB included 80 programs at a cost of 23 billion dollars. Twenty of the programs were formula grant programs. (Title 1 of NCLB provides funds for states’ low income school districts through a system that is so complex that it is said only a handful of people can understand it entirely. It is described as opaque and unaccountable.
- 2004 The American Diploma Project released its report identifying the common core of English and math skills and knowledge that high school graduates will need to succeed in college and the workforce.
- 2008 Achieve releases a report “Out of Many, One: Toward Rigorous Common Core Standards from the Ground Up” which points out that individual states that had set standards for academics had students consistently improving in math and English.
- 2009 Race to the Top (RTT) created by President Obama’s administration. It is a contest funded by 4.35 billion dollars from the American Recovery and Reinvestment Act (The Stimulus) as competitive grant funding. In competing for the funds the states had to agree to criteria such as adopting “college and career ready” standards. Also as a condition of applying for this grant a state would be obligated to implement a State Longitudinal Database System (SLDS). See the implications of this in the 2011 bullet point.



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- 2009 Achieve begins work on Common Core Standards in a partnership of the National Governors Association Center for Best Practices (NGA Center) and the Council of Chief State School Officers (CCSSO). Some argue that this partnership created the means to develop the standards without open discussion.
- 2010 The Common Core Standards are released. There are two consortia of states that are using the standards: The Partnership for Assessment of Readiness for College and Careers (PARCC), of which Achieve serves as project management partner, and Smarter Balanced Assessment Consortium (SBAC).
- 2011 Department of Education acts to change the 1974 Family Education Rights and Privacy Act (FERPA). Changing this act coupled with the formation of a State Longitudinal Database System creates many “right to privacy” issues.

Pro CCSS:

- Previously some states developed adequate educational standards but many failed; putting forth standards that lacked content and rigor. ¹
- School Choice, being market based requires standardized testing to provide consumer information. Additionally, standardized testing provides accountability when tax dollars are involved.
- Having one set of standards for many states will save the costs of each state duplicating the assessment process.
- The economy of scale will make text books and teaching materials cheaper.
- Fordham Institute found Common Core Standards in Math and English to be superior to the academic standards set by three-quarters of the states and at par with the rest. ²
Fordham Institute’s claim to have developed better standards than most states is based on their own interpretations and is in need of independent third party corroboration.
- Common Core’s guidance devotes 200 pages to suggesting literature examples that are “on the top of most educators’ lists of worthy reading”. ³
- The Common Core Initiative is and has always been a state-led effort.
- Control of curriculum, instruction and pedagogy remains at the local level. ⁴
- “(T)he gains made by replacing Wisconsin standards with the Common Core are some of the largest in the nation.” ⁵
- When Common Core Standards are compared with standards of other high performing countries the agreement is very high. Furthermore, no states standards were as close of a match as the Common Core. ⁶
- Looking back, states that were closest to the Common Core did better on the national NAEP (National Assessment of Educational Progress) tests. ⁷
- Common Core is a totally voluntary program and not tied to Federal funding.
- There are two federally funded assessment consortia but states are free to join any of the several private entities that are developing assessments.



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Con CCSS:

- Susceptible to “revisionist” manipulation of social studies such as history, civics, etc.
- For an undertaking that claims to be largely free of federal involvement, Common Core has quite a few federal fingerprints on it. 8
- As a condition of applying for \$4 billion in Race To The Top (RTTT) grant funding, states obligated themselves to the implementation of a State Longitudinal Database System which will contain a large amount of personal information on each student. 9
- Common Core does not address diverse cultures and state-specific educational needs.
- Common Core Standards were developed by the American Diploma Project (ADP) without the benefit of open debate and public input. 10
- Education reform should give primary control over education to those closest to students.
- Nationalization of standards is a centralizing overreach of government and represents an abdication of local authority.
- Fifty years of ever-increasing federal involvement in education has failed to increase academic achievement. 11
- The Common Core Standards Initiative is a system that has not been tested and with most states signing on, a failure of this system would be catastrophic for our nation.
- The states are responsible for funding the implementation of Common Core and the cost may be prohibitive.
- Teachers will have to develop a new pedagogy (method of teaching children) which is unfamiliar to many existing teachers.
- The Constitution gives the federal government no authority to govern education, and numerous laws prohibit Washington from influencing school curricula. 12

Additional Existing Law:

- Adult Education and Family Literacy Act
- [Age Discrimination Act of 1975](#)
- Albert Einstein Distinguished Educator Fellowship Act of 1994
- Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988
- [Carl D. Perkins Vocational and Technical Education Act of 1998](#)
- [Civil Rights Act of 1964](#)
- [Communications Act of 1934](#)
- Community Services Block Grant Act
- [Department of Education Organization Act](#)
- District of Columbia College Access Act of 1999



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- Education for all Handicapped Children Act (EAHCA) of 1975
- Education Amendments of 1972
- Education Amendments of 1978
- Education Flexibility Partnership Act of 1999
- Education for Economic Security Act
- Educational Research, Development, Dissemination, and Improvement Act of 1994
- [Elementary and Secondary Education Act of 1965](#)
- [Family and Medical Leave Act of 1993](#)
- General Education Provisions Act
- [Goals 2000: Educate America Act](#)
- [Higher Education Act of 1965](#)
- [Individuals with Disabilities Education Act](#)
- James Madison Memorial Fellowship Act
- [Johnson-O'Malley Act of 1934](#)
- [National Agricultural Research, Extension, and Teaching Policy Act of 1977](#)
- National and Community Service Act of 1990
- National Child Protection Act of 1993
- National Education Statistics Act of 1994
- [National Environmental Education Act of 1990](#)
- Refugee Education Assistance Act of 1980
- State Dependent Care Development Grants Act
- Tribally Controlled Schools Act of 1987
- [Workforce Investment Act of 1998](#)

SCOTUS Rulings:

The SCOTUS has made few rulings on the specific aspect of school curriculum standards. The majority of relevant rulings have been in the area of equal provision or assessment.

- 1925 – *Pierce v. Society of Sisters* (SCOTUS) – held that students cannot be forced into public schools.
- 1938 – *Missouri ex rel. Gaines v. Canada* – states must offer the same level of standardized curricula to all students regardless of race
- 1954 – *Brown v. Board of Education of Topeka*
- 1972 – *Wisconsin v. Yoder* – students are not required to attend public school
- 1973 – *San Antonio Independent School District v. Rodriguez*
- 1978 – *Regents of the University of California v. Bakke*
- 1985 – *School District of the City of Grand Rapids v. Ball*



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Constitutionality:

Nowhere in the US Constitution do the people grant power to the federal government to regulate, control, direct or influence the field of education at any level. The Commerce Clause cannot be stretched far enough or wide enough to cover education. Rulings such as the *US v. Lopez* decision show that the SCOTUS will not extend just any power under the Commerce Clause. The General Welfare Clause is also insufficient to cover education. The body of jurisprudence covering education is firmly and unequivocally on the side of the states. To the contrary, state constitutions often specifically address education – the Wisconsin state constitution devotes an entire article to education. Education is the domain of the states.

Relationship to Pro-Constitution Movement/TEA Party Movement Principles:

Free Markets:

The implementation of the CCSS will apply across the board to all students and will thus impact the private and parochial schools. Since all schools will need to “teach to the test” the curricula of all schools will need to change to accommodate the assessment tests. The variation between competing school systems may be reduced. Massive contracts will be let for textbooks, standardized tests and curriculum guidelines. Much of the potential profit will be found in the sale of the personal information of the students and their parents. The databases created hold enormous potential of unethical behavior and abuse.

Limited Constitutional Government:

Since state governments are not limited in power in the same manner as the federal government, they have more opportunities for legal intrusion into the personal lives of citizens. Federal authority for intrusion is completely lacking and any claim to the contrary is spurious at best. The databases created will obviously violate 4th Amendment constitutional safeties. As Jefferson noted, "The natural progress of things is for liberty to yield, and *government to gain ground.*" Therefore we can expect that any database use as designed will be quickly compromised as evidenced by the Patriot Act and the NSA spying scandals.

Fiscal Responsibility:

Common Core will breathe new life into the Department of Education spending and precipitate a new round of the expansion of its powers and influence. Although the CCSS comes with no federal funding initially, it is conceivable that eventually the federal government will put more strings on federal funding. The states' dependence on federal money will lead to the cession of more control to the federal government.

Effect on Wisconsin:

The relevance of the Department of Public Instruction will be diminished as the federally based standards take over and relegate the DPI to a mere functionary of the DOE. Two major problems will emerge: first, the database limitations will evaporate quickly as personal information is spread and second, the 426 Wisconsin school districts will see their local control disappear. Issues that are pertinent to Wisconsin will be minimized as inferior to the federal issues.



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Effect on Wisconsin's Federal Officials:

Abolition of the Department of Education would be the most beneficial act that our federal officials could take. In the interim until that happens, our federal officials should be working to reduce the federal influence and protect Wisconsin's state level decision making in education.

Position of the Wisconsin GrandSons of Liberty:

After reading the original 1983 report "A Nation at Risk: The Imperative For Education Reform" it is evident that the American school system had failed on several fronts especially when benchmarked internationally. Attempting to address the challenges of improving the education of all American children and retaining local control, the task was given to the governors of the states and to the business community. We do recognize that the road we are on was paved with good intentions. Unfortunately, the Federal government, with its propensity for expansion, found ways to influence critical aspects of the process. Senator Marco Rubio, in a letter to Arne Duncan, found three laws that were broken by the Obama Administration with the "Race to the Top" grant requirements. Because the Federal government has managed to influence the system of development of core curriculum and assessment standards in which states must abdicate authority to distant entities, we cannot trust the education of Wisconsin children to an organization so permeable to government intrusion. We, therefore, support the action taken by the members of the Wisconsin Joint Committee on Education which postpones implementation of the CCSS until potential concerns can be studied and addressed. At this point the apparent overreach of the federal government in the area of education leaves us far from being in support of CCSS.

With the recent passage of HR5 in the U.S. House of Representatives (July 19, 2013), some of our concerns are being addressed. This legislation-the *Student Success Act*- which is a rewrite of the No Child Left Behind law, contains language giving several important functions back to the states. Currently under a federal program called Adequate Yearly Progress (AYP), students are required to show proficiency in reading and math by 2014. This federal mandate did not function as designed and HR5 eliminates AYP and brings the design of student assessments back to state and local control. HR5 also eliminates the High Quality Teacher (HQT) mandate returning the teacher's qualification requirements to the local level. Under this bill the U.S. Secretary of Education is prohibited from dictating standards and assessments. Representative Luetkemeyer (R,MO) added a 'sense of Congress' stating that "states and local educational agencies should maintain the rights and responsibilities of determining educational curriculum, programs of instruction, and assessments for elementary and secondary education." Within the bill that passed the House, state's Title I dollars would follow the child to any public or charter school. The bill was sent to the U.S. Senate where it has been read into the records and is in the Committee on Health, Education, Labor and Pensions (July 24, 2013). The Wisconsin GrandSons of Liberty are in full agreement with this "sense of Congress", and we anticipate passage in the U.S. Senate.

Furthermore, we are opposed to the enactment of the State Longitudinal Database System, which was dictated as a requirement of applying for "No Child Left Behind" grant money. The database would be a "shared" database that would contain a large amount of Wisconsin students'



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personal and confidential information. We recognize that the federal government is already changing current laws protecting the privacy of student data. The re-disclosure of this type of data is of great concern to us. We do not trust the government, domestic or foreign, to possess a lifelong stream of data of Wisconsin children. Therefore we are opposed to any modification of Wisconsin's existing Longitudinal Database and propose legislation enacted to further secure and protect any student data that is generated.

Finally, we recognize that the implementation of CCSS with its technological ramifications, training, and new courseware will be very costly for the state of Wisconsin. As previously noted, it has been documented that states that have rigorous standards have better academic achievement. The benefit and need of academic standards is not in dispute. However, the extra cost of implementation of CCSS in comparison to further development of equally rigorous state standards is in need of analysis. We therefore call for a cost/ benefit comparative analysis of the continued implementation of CCSS compared to the development of or purchase of academic standards.

Additional Information:

www.commoncorestandards.com

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2 Ibid Chester E. Finn

3 Kathleen Porter-Magee. Dec. 14, 2012 "The weak critique of Common Core's approach to great literature" Fordham Institute: <http://www.edexcellence.net/commentary/education-gadfly-daily/common-corewatch/2012/the-weak-critique-of-common-cores-approach-to-great-literature.html>

4 Kathleen Porter-Magee. May 22, 2013 Testimony to Wisconsin Committee on Education, Information Hearing.

5 Ibid Porter-Magee

6 Ibid Porter-Magee

7 William Schmidt. Nov. 12, 2012 "Study supports move toward common math standards".

<http://edwp.educ.msu.edu/news/2012/study-supports-move-toward-common-math-standards/>

8 Lindsey M. Burke. April 8, 2013 "Why There's a Backlash Against Common Core" National Review Online: <http://www.nationalreview.com/articles/344897/why-there-s-backlash-against-common-core-lindsey-m-burke>

9 Ibid, Lindsey M. Burke

10 Darcy Pattison. May 16, 2011 "History of National Standards: Where Did Common Core Standards Come From?" : <http://commoncorestandards.com/faq/from-where/>

11 Lindsey M Burke. "A National Education Standards Exit Strategy for States" The Heritage Foundation WebMemo No. 3437. <http://report.heritage.org/wm3437>

12 Neal McCluskey. June 11, 2013 "The Common Core: De Facto Federal Control of America's Schools" The Cato Institute.