

Response to the National Review Online article

<http://www.nationalreview.com/articles/344519/truth-about-common-core-kathleen-porter-magee>

P/MS states Beck calls the standards a stealth “leftist indoctrination” plot by the Obama administration.

Response: The Common Core opens the door for bias and indoctrination in several respects.

- The political leanings of those behind the Common Core, including the funders (e.g., Bill and Melinda Gates), the creators (e.g., Marc Tucker), and the testing consortia (e.g., Linda Darling-Hammond).
- The shift away from classic literature, which emphasizes the reading of “informational texts,” means that children will focus less on the tried-and-true classics familiar to their parents toward a hodge-podge of texts, many of which will be contemporary and unfamiliar. This will invite greater indoctrination and bias in the selection and teaching of such texts. Stanley Kurtz made this point on NRO. See Stanley Kurtz, National Review Online, (12/5/2012), <http://www.nationalreview.com/corner/334878/obama-and-your-childs-mind-stanley-kurtz> (citing his previous piece that discusses, among other things, how the Common Core promotes a distorted treatment of the Gettysburg Address, Stanley Kurtz, 9/25/2012), <http://www.nationalreview.com/corner/334878/obama-and-your-childs-mind-stanley-kurtz>).

The Common Core System’s Effect on Curriculum

PM/S states that Malkin warns that they will “eliminate American children’s core knowledge base in English, language arts and history.”

Response: Dr. Sandra Stotsky of the University of Arkansas, a member of Common Core’s Validation Committee who refused to sign off on the Standards, criticizes the ELA standards as “empty skill sets . . . [that] weaken the basis of literary and cultural knowledge needed for authentic college coursework.”¹

PM/S claim that the Common Core “simply delineate what children should know at each grade level and describe the skills that they must acquire to stay on course toward college or career readiness. They are not a curriculum; it’s up to school districts to choose curricula that comply with the standards.”

¹ Statement of Dr. Sandra Stotsky Regarding Common Core English Language Arts Standards (“Stotsky Statement”), attached hereto as Exhibit A.

Response: PM/S conveniently leave out a few facts. As Bill Gates described the matter to the National Conference of State Legislators, the idea is that, “When the tests are aligned to the common standards, the curriculum will line up as well...”² First through its Race to the Top program and then through its No Child Left Behind waiver program, the Administration has pushed the states into adopting the Common Core, tests aligned with the Common Core, and the evaluation of teachers, schools, districts and states based, in large part, on how students perform on the Common Core tests. It is a high-stakes enforcement program.³

The assessments (standardized tests) are an integral part of the Common Core system. Because assessments are meant, among other things, to measure what a student has learned, the Department wanted assessments that are aligned with the Common Core Standards. The assessments would serve not only as an evaluative tool, but also as an enforcement tool to ensure that a state is actually implementing standards. Here, the *Race to the Top* request for applications required that states, as one of the competition’s “absolute priorities,” participate “in a consortium of States that ...[i]s working toward jointly developing and implementing common, high-quality assessments (as defined in this notice) aligned with the consortium’s common set of K-12 standards (as defined in this notice). . . .”⁴

To this end, the Stimulus Bill also authorized \$362 million in funding “to consortia of states to develop assessments . . . and measure student achievement against standards.”⁵ The Department used that money to award a grant of \$169,990,272 (with a subsequent supplemental award of \$15, 872,560) to the Partnership for Assessment of Readiness of College and Careers (“PARCC”) consortium and a grant of \$159,976,843 (with a subsequent supplemental award of \$15,872,696) to the SMARTER Balanced Assessment Consortium (“SBAC”).⁶ Other funding for these consortia came from the Gates Foundation.⁷

² <http://www.schoolsmatter.info/2009/07/gates-on-alignment-of-common-core.html>.

³ See Emmett McGroarty & Jane Robbins, “Controlling Education from the Top: Why Common Core Is Bad for America,” *Pioneer Institute*, No. 87, at p. 6 (May 2012). That discussion is replicated in this section.

⁴ 75 Fed. Reg. at 19,503.

⁵ 75 Fed Reg. at 18,171 (Apr. 9, 2010).

⁶ See Cooperative Agreement Between the U.S. Department of Education and the Partnership for Assessment of Readiness of College and Careers (2011), available at <http://www2.ed.gov/programs/racetothetop-assessment/parcc-cooperative-agreement.pdf> and Cooperative Agreement Between the U.S. Department of Education and the SMARTER Balanced Assessment Consortium and the State of Washington (fiscal agent) (2011) available at <http://www2.ed.gov/programs/racetothetop-assessment/sbac-cooperative-agreement.pdf>. Illustrating the interconnectedness of all the interests that created Common Core, PARCC selected Achieve to “manage the consortia’s [*sic*] efforts to develop common assessments . . .,” and hired three new directors who will actually work at Achieve rather than PARCC. To add to the confusion, one of these new directors hired by PARCC to work at Achieve already worked at Achieve. See Partnership for Assessment of Readiness for College and Careers, “Achieve Names Jeff Nellhaus, Director of PARCC Assessment, Doug Sovde, Director of PARCC Instructional Supports and Educator Engagement, & Karen Rosenthal, Director of Finance and Federal Reporting” (February 16, 2011), available at <http://www.achieve.org/files/Achieve%27sMarch2011PerspectiveNewsletter.pdf> (at p. 3). The Gates Foundation has provided funding for Achieve, see <http://www.achieve.org/Contributors>; for PARCC and SBAC, see McGraw Hill Education, “Education Brief: The Common Core State Standards Initiative,” at p. 11 (February 2011), available at http://www.commoncoresolutions.com/PDF/education_brief.pdf; and for WestEd, a

In addition to developing the assessments, both consortia, as Secretary Duncan has said, “will help their member states provide the tools and professional development needed to assist teachers' transitions to the new assessments.” For PARCC, this includes “**curriculum frameworks**”⁸ and “**model instructional units.**”⁹ Similarly, SBAC is using the federal funding “**to develop curriculum materials**” and to create “**a model curriculum**” and “**instructional materials**” aligned with the Standards.¹⁰ In *The Road to a National Curriculum*, Robert Eitel and Kent Talbert, the former deputy general counsel and general counsel, respectively, of the federal Department of Education, concluded that, “The assessment systems that PARCC and SBAC develop and leverage with federal funds, together with their hands-on assistance in implementing the [Standards] will direct large swaths of state K-12 curricula, programs of instruction and instructional materials, as well as heavily influence the remainder.”¹¹ Moreover, as discussed below, the Department clearly intends to maintain its involvement given that (1) it has required the consortia “to make student-level data that result from the assessment system available on an ongoing basis for research, including for prospective linking, validity, and program improvement studies” and (2) it has changed federal family and student privacy protections in order to do so.

PM/S claim: *The Fordham Institute has carefully examined Common Core and compared it with existing state standards: It found that for most states, Common Core is a great improvement with regard to rigor and cohesiveness.*

Response:

- PM/S leave out a critical fact. Fordham can hardly claim to be an impartial judge in this matter. In October 2009, Fordham received a \$959,116 grant from the Bill and Melinda Gates Foundation “to review the common core standards and develop supportive materials.” See <http://www.gatesfoundation.org/How-We-Work/Quick-Links/Grants-Database/Grants/2009/10/OPP1005845> and attached download of grant descriptions. Although the Fordham review of the Common Core acknowledges its Gates funding,

federally created (though no longer federally run) and federally funded group that serves as project manager for SBAC. See <http://www.wested.org/cs/we/print/docs/we/fund.htm>. See also *infra* notes 84-89.

⁷ See, *supra* n.26.

⁸ See Remarks of Secretary of Education Arne Duncan, Beyond the Bubble Tests: The Next Generation of Assessments 4 (Sept. 2, 2010), <http://www.ed.gov/news/speeches/beyond-bubble-tests-next-generation-assessments-secretary-arne-duncans-remarks-state-l>.

⁹ PARCC Proposal for Supplemental Race to the Top Assessment Award (2010), <http://www.edweek.org/media/parccsupplementalproposal12-23achievefinal.pdf>.

¹⁰ See SMARTER Balanced Assessment Consortium, Supplemental Funding, Scope Overview Table 2-4 (2011), <http://www.smarterbalanced.org/wordpress/wp-content/uploads/2011/12/Smarter-Balanced-Supplemental-Funds.pdf>.

¹¹ Robert S. Eitel & Kent D. Talbert, *The Road to a National Curriculum*, PIONEER INSTITUTE, no. 81, p. 15 (Feb. 2012).

Fordham conveniently, and repeatedly, fails to bring up this point in its public testimonies and written pieces.

- To this point, since 2003, the Fordham Institute had received \$5,711,462 from the Bill and Melinda Gates Foundation. Of that amount, Gates has awarded at least \$2.4 million since 2009 for support of the Common Core and to support Fordham's general operations. See <http://www.gatesfoundation.org/How-We-Work/Quick-Links/Grants-Database#q/k=Fordham> and attached download of grant descriptions.
- Regarding Porter Magee's claim that she is from a right-of-center think tank. Note that she previously served as a research fellow at the Progressive Policy Institute. See <http://www.edexcellence.net/about-us/fordham-staff/kathleen-porter-magee.html>. PPI bills itself as the original "the original 'idea mill' for President Bill Clinton's New Democrats." See <http://www.progressivepolicy.org/about/>.
- The Fordham evaluation omits certain evaluative elements. The independent, peer-reviewed white papers commissioned by the Pioneer Institute shed a far more objective, and critical, light on the quality of the Common Core. In addition, additional analysis exposes other weaknesses about the Common Core, such as the defective nature of the writing standards. See Mark Bauerlein and Sandra Stotsky, *How Common Core's ELA Standards Place College Readiness at Risk*, Pioneer Institute, No. 89 (September 2012); Sandra Stotsky & Ze'ev Wurman, *Common Core's Standards Still Don't Make the Grade*, Pioneer Institute, no. 65, at p. 22 (July 2010). For a point-by-point summary of the major deficiencies in the Common Core ELA and Math Standards, see Emmett McGroarty & Jane Robbins, "Controlling Education from the Top: Why Common Core Is Bad for America, Pioneer Institute, No. 87, at Exhibit A (Statement by Sandra Stotsky regarding the ELA standards) and Exhibit B (Statement of Ze'ev Wurman Regarding Common Core Mathematics Standards) (May 2012). See also discussion below.

National Standards

PM/S states, "For decades, students in different states have been taught different material at different rates and held to radically different standards."

Response: As to state issues, the Founders intended that there would be a competition for citizenry among the states, one that would lead to the best policies. Such a competition leads to better standards, not to the mediocre standards of the Common Core. See *Closing the Door on Innovation: Why One National Curriculum Is Bad for America, A Critical Response to the Shanker Institute Manifesto and the U.S. Department of Education's Initiative to Develop a National Curriculum and National Assessments Based on National Standards*, May 6, 2011, available at http://www.k12innovation.com/Manifesto/V2_Home.html. In contrast, the Common Core program ushers in a race toward a monopoly and will lead to mediocrity at best. See Jim Stergios, *The Rise of the Zune Monopolists*, http://boston.com/community/blogs/rock_the_schoolhouse/2011/12/the_rise_of_the_zune_mono

[polis.html](#) (12/9/2011). The Common Core's qualitative defects illustrate the dangers of such a monopoly.

PM/S claim: *Several years ago, a small group of governors joined together in an effort to align their states' standards and assessments. This group expanded through the National Governors Association and the Council of Chief State School Officers. In 2007, curriculum experts began to devise the new Common Core standards./ The truth is that the development of Common Core was well underway before [President Obama] took office in January 2009.*

Response: That's not true. The development of the Common Core did not begin until 2009 after the announcement of the initiative by NGA and CCSSO and the Administration's announcement of the Race to the Top program. It is true, however, that prior to 2009, the NGA and CCSSO had been paid grant money by private interests to develop and implement a political strategy to bring about national standards. Here, PM/S implicitly state the Common Core slogan that the development of the Standards was led by the states. Perhaps, they realize that such a claim will not withstand public scrutiny, and they therefore avoid it.

The truth is far different. In reality, the Common Core was a joint effort of special interests and the federal government. As Governor Rick Perry stated in rejecting the Common Core:

Texas is on the right path toward improved education, and we would be foolish and irresponsible to place our children's future in the hands of **unelected bureaucrats and special interest groups** thousands of miles away in Washington, virtually eliminating parents' participation in their children's education.

Press Release, Office of Gov. Rick Perry (Jan. 13, 2010),
<http://governor.state.tx.us/news/speech/14147/>.

The story dates back decades, but its current phase can be traced to 2007. That year the Bill and Melinda Gates Foundation and the Eli Broad Foundation pledged \$60 million to inject their education vision, including uniform "American standards," into the 2008 campaigns.¹² In May 2008, the Gates Foundation awarded the Hunt Institute for Educational Leadership and Policy (founded by former NC Gov. Hunt, it is a long-time proponent of national standards) a \$2.2 million grant "to work with governors and other key stakeholders" to promote the adoption of national standards. The following month the Hunt Institute and the National Governors Association (NGA) hosted a symposium to explore education strategies.

That same year, NGA and the Council of Chief State School Officers (CCSSO), two Washington, DC-based trade organizations, began accepting foundation grants for purposes of

¹² <http://www.gatesfoundation.org/Media-Center/Press-Releases/2007/04/Strong-American-Schools-Campaign-Launches-to-Promote-Education-Reform-in-2008-Presidential-Election>;
<http://query.nytimes.com/gst/fullpage.html?res=9C03E2DA143EF936A15757C0A9619C8B63&pagewanted=all>;
<http://www.educationnews.org/articles/new-report-details-one-of-the-most-successful-independent-advocacy-initiatives-of-2008.html>

starting the Common Core Initiative and propagating the Standards.¹³ These two trade associations lack a grant of authority from any state, and cannot therefore claim to be acting on the states' behalf or to be engaged in a "state-led" effort.

Two further facts highlight the audacity of the claim to be "state-led": (1) the two trade associations are not subject to Freedom of Information Acts, sunshine laws, open-meeting requirements or open-records requirements, or other usual safeguards of the democratic process; and (2) these trade associations were, and are, taking money from some of the states but then taking far greater money from private entities for purposes of advocating (lobbying) for the common core among the states. The states are giving money –and allowing their governors and school chiefs to lend their names to-- an organization that lobbies their states.

Furthermore, many of the private interests advocating for the Common Core and giving money to the NGA and CCSSO have, or their related entities have, financial interests in seeing the Common Core take hold. Microsoft made a venture capital investment in a division of Barnes and Noble that deals with curriculum. <http://thenextweb.com/insider/2012/12/28/pearson-buys-5-stake-in-nook-media-the-microsoft-barnes-noble-joint-venture-for-89-5m/>

See also Singer, Alan. "Common Core, What Is It Good For?" Opinion. *The Huffington Post*, April 19, 2012, http://www.huffingtonpost.com/alan-singer/common-core-what-is-it-go_b_1434012.html (criticism of the Gates Foundation, Microsoft, and other pro-common core advocates). The [Data Quality Campaign](#), created in 2005 with support from the Gates Foundation, was preceded by their \$45 million investment (with the Broad Foundation) in the National Education Data Partnership (<http://www.gatesfoundation.org/Media-Center/Press-Releases/2005/03/New-National-Education-Web-Site-Provides-Critical-Information>). Level I corporate partners of CCSSO ([link](#)) include Microsoft and Pearson. [Microsoft and Pearson have partnered](#) to create Common Core Curricula. Some look at the web of private foundations and corporate interests and their related foundations as a huge conflict of interest. See [Beware the Educational-Industrial Complex](#). See also Gates Foundation funding of online courses to be offered with textbook giant Pearson: Dillon, Sam. "Foundations to Offer Online Courses for School" *New York Times*, April 27, 2011.

<http://www.nytimes.com/2011/04/28/education/28gates.html>;
<http://dianeravitch.net/2013/04/04/critics-question-ethics-of-jeb-bush-foundation/> In this regard, "It is not unfair to say that the Gates Foundation's agenda has become the country's agenda in education," said Michael Petrilli, vice president for national programs and policy at the Thomas B. Fordham Institute in Washington, D.C. Puget Sound Business Journal, <http://www.bizjournals.com/seattle/stories/2009/05/18/story2.html?page=all> (May 17, 2009).

NGA and CCSSO prevailed on the Obama Administration to implement its plan for national standards. In December 2008, to provide guidance to the Obama Administration during its transition to the presidency, NGA, CCSSO, and their Washington, DC-based contractor,

¹³ See *Bias Seen in Push to New Ed Standards*, THE LOWELL SUN, 7/18/2010. The Gates Foundation has forthrightly admitted that it "actively supported the Common Core Standards Initiative." See *Fewer, Clearer, Higher: Moving Forward with Consistent, Rigorous Standards for All Students*, Bill & Melinda Gates Foundation, p.1 (2010).

Achieve, Inc., set out their vision for the Common Core Standards in a document entitled *Benchmarking for Success*.¹⁴ This report, funded yet again by the Gates Foundation, outlines five reform steps:

- (1) Upgrade state standards by adopting a common core of internationally benchmarked standards in math and language arts.... To upgrade state standards, leaders will be able to leverage the Common Core State Standards Initiative, an upcoming joint project of NGA, CCSSO, Achieve, the Alliance for Excellent Education, and the James B. Hunt Institute for Educational Leadership and Policy.¹⁵
- (2) Leverage states' collective influence to ensure that textbooks, digital media, curricula, and assessments are aligned to internationally benchmarked standards and draw on lessons from high-performing nations and states.¹⁶
- (3) Revise state policies for recruiting, preparing, developing and supporting teachers and school leaders....¹⁷
- (4) Hold schools and systems accountable through monitoring, interventions, and support....¹⁸
- (5) Measure state-level education performance globally....¹⁹

Because NGA and CCSSO led its creation, the Common Core State Standards Initiative claims that it is a state-led effort, implying that it had legislative grants of authority from individual states. In fact, through 2008, the Common Core Initiative was a plan of private groups being implemented through trade associations, albeit trade associations that had “official”-sounding names. Since 2007, NGA, CCSSO, and Achieve²⁰ accepted more than \$27 million from the Gates Foundation alone to advance the Standards and the connected data collection and

¹⁴*Benchmarking for Success*, by NGA, CCSSO, and Achieve, Inc., at p. 24, <http://www.achieve.org/files/BenchmarkingforSuccess.pdf> (last accessed 4/20/12). (Dec. 2008).

¹⁵ *Id.* at p. 24 (Dec. 2008).

¹⁶ *Id.* at p. 26.

¹⁷ *Id.* at 27.

¹⁸ *Id.* at 30.

¹⁹ *Id.* at 31.

²⁰ Achieve attributes its founding to a “a bipartisan group of governors and corporate leaders” at the 1996 National Education Summit who decided to create and lead an organization dedicated to supporting standards-based education -reform efforts across the states. See <http://www.achieve.org/about-achieve>. Achieve is led by a board of directors consisting of three sitting governors (Bill Haslam of Tennessee, Dave Heineman of Nebraska, and Deval Patrick of Massachusetts) and three corporate executives (Mark Grier, the vice chairman of Prudential Financial; Edward Rust, chairman & CEO of State Farm Insurance; and Jeff Wadsworth, the President & CEO of Battelle). Its board chair is Craig Barrett, the former CEO & Chairman of the Board of Intel, and its chairman emeritus is Louis V. Gerstner, Jr., the former Chairman & CEO of IBM Corporation. Achieve’s president is Michael Cohen, and its treasurer is Peter Sayre, the Controller of Prudential Financial, Inc. See <http://www.achieve.org/our-board-directors>

assessments.²¹ It has been calculated that the Gates Foundation alone has spent \$163 million to develop and advance the Common Core.²²

Throughout 2008-2009, the Standards had not been drafted. Yet the Common Core proponents wanted to quickly lock the states into the Standards and thus avoid, from their viewpoint, the difficulties inherent in the democratic process. Subjecting the Initiative to deliberation in all fifty states would take years; the people and their elected representatives would, for example, want to thoroughly review the Standards.

PM/S claim: *Some argue that states were coerced into adopting Common Core by the Obama administration as a requirement for applying for its Race to the Top grant competition (and No Child Left Behind waiver program).*

Response: The Administration's actions amounted to political coercion.

The American Recovery and Reinvestment Act, PL 111-5, enacted on February 17, 2009 (the "Stimulus Bill"), provided the breakthrough. It created a \$4.35 billion earmark for states "that have made significant progress" in meeting four education-reform objectives, including taking steps to improve state standards and enhancing the quality of academic assessments.²³

The week following the Stimulus Bill's passage, in a C-Span interview, U.S. Secretary of Education Arne Duncan announced that the Department of Education (the "Department") would be distributing this Stimulus earmark to the states through a competitive grant program called *Race to the Top*. Through that process, the Department would identify a "set number of states" that would want to commit to very high common standards, "great assessments," and building "a great data system so that you can track those students throughout their academic career." When asked whether he envisioned "national standards for every kid across all subjects and national tests," the Secretary replied, "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."²⁴ As if that was not enough to telegraph the Administration's

²¹ <http://www.gatesfoundation.org/How-We-Work/Quick-Links/Grants-Database/Grants/2012/03/OPP1061444>; <http://www.gatesfoundation.org/How-We-Work/Quick-Links/Grants-Database/Grants/2011/02/OPP1031294>; <http://www.gatesfoundation.org/How-We-Work/Quick-Links/Grants-Database/Grants/2012/10/OPP1071590>; <http://www.gatesfoundation.org/How-We-Work/Quick-Links/Grants-Database/Grants/2011/06/OPP1033998>; <http://www.gatesfoundation.org/How-We-Work/Quick-Links/Grants-Database/Grants/2011/03/OPP1035090>; <http://www.gatesfoundation.org/How-We-Work/Quick-Links/Grants-Database/Grants/2009/11/OPPad12>; <http://www.gatesfoundation.org/How-We-Work/Quick-Links/Grants-Database/Grants/2012/06/OPP1052895>; <http://www.gatesfoundation.org/How-We-Work/Quick-Links/Grants-Database/Grants/2011/11/OPP1049781>

Assuming, *arguendo*, that NGA and CCSSO had actual grants of authority from the states, then ethical questions would certainly arise from the private-sector funding.

²² <http://news.heartland.org/newspaper-article/2013/02/11/education-policies-led-gates-not-states> and the following cites therein

²³ American Recovery and Reinvestment Act, PL 111-5, Sec. 14005-06.

²⁴ *News Makers*, C-SPAN, Feb. 22, 2009, <http://38.105.88.161/Events/Education-Sec-Arne-Duncan-interviewed-by-Libby-Quaid-AP-and-Michele-McNeil-Education-Week/12961/>

preferences, it hired Gates Foundation executives to serve as the Secretary’s chief of staff and as head of its Office of Innovation and Improvement. See Puget Sound Business Journal, <http://www.bizjournals.com/seattle/stories/2009/05/18/story2.html?page=all> (May 17, 2009).

At this time, the states were under intense pressure to sign on to the Common Core in time to be eligible for the Race to the Top money. The consensus view was that they faced fiscal and economic doom and that the Stimulus Bill would be their lifeline. Secretary Duncan argued that without the Stimulus money “hundreds of thousands of teachers could be collecting unemployment instead of teaching in classrooms,” an argument repeated by other Administration officials such as Budget Director, Peter Orszag. To compound that, at the outset of 2010 the Department of Education stated its intention that “Beginning in 2015, **formula funds will be available only** to states that are implementing assessments based on college and career ready standards that are common to a significant number of states.”²⁵

In March 7, 2009, one month after passage of the Stimulus Bill, the Department announced the *Race to the Top* “national competition” to distribute the Stimulus money through two rounds of grant awards.²⁶

On June 1, 2009, NGA and CCSSO formally launched their Common Core Standards Initiative to develop and implement the Common Core – an effort implicitly referred to by Secretary Duncan several months before. They planned to “leverage states’ collective influence to ensure that textbooks, digital media, curricula, and assessments are aligned” with the Standards. At the time, CCSSO President-elect Sue Gendron, who is now policy adviser and coordinator for the SMARTER Balanced Assessment Consortium, described the initiative as “transforming education for every child.”²⁷

However, in its *Race to the Top* request for applications, the Department **changed** Congress’s Stimulus Bill objectives from general improvement of state standards and assessments to acquiescence to specific federal dictates.²⁸ These dictates included the following:

- (1) adopting internationally benchmarked standards and assessments that prepare students for success in college and the workplace;

²⁵ *ESEA Blueprint for Reform*, at pp. 11-12, U.S. DEP’T OF EDUC., OFFC. OF PLANNING, EVALUATION AND POLICY DEVELOPMENT, Washington, DC, 2010. Available at <http://www2.ed.gov/policy/elsec/leg/blueprint>.

²⁶ See U.S. Dep’t of Educ., Press Release (March 7, 2009).

²⁷ See NGA press release (June 1, 2009).

http://www.nga.org/cms/home/news-room/news-releases/page_2009/col2-content/main-content-list/title_forty-nine-states-and-territories-join-common-core-standards-initiative.html (last accessed on April 23, 2012).

²⁸ Grover Whitehurst of the Brookings Institution flagged the illegality of this change, noting that the combination of the Stimulus Bill and the America COMPETES Act allows funding only of state standards-development, not of national-standards development. See Grover J. Whitehurst, *Did Congress Authorize Race to the Top?*, EDUCATION WEEK, April 27, 2010, available at http://www.edweek.org/ew/articles/2010/04/28/30whitehurst_ep_h29.html.

- (2) building data systems that measure student success and inform teachers and principals about how they can improve their practices;
- (3) increasing teacher and principal effectiveness and achieving equity in their distribution; and
- (4) turning around the lowest-achieving schools.²⁹

Notably, with respect to the “standards and assessments” objective, the *Race to the Top* restatement tracked the language of the NGA-CCSSO-Achieve *Benchmarking for Success* plan issued in December 2008.³⁰ Furthermore, it designated the four reform objectives as “absolute priorities,” meaning that an applicant state had to address them to be considered for funding.³¹

It is beyond dispute that the Department wanted all the states to adopt the Common Core Standards. Its *Race to the Top* request for state applications defined “internationally benchmarked standards” as a “common set of K-12 standards” that are “substantially identical across all States in a consortium.”³² It directed the competition judges to award a state “high” points “if the consortium includes a majority of the States in the country,” but “medium or low” points if the consortium includes one-half the states or fewer.³³ The Department admitted that the “goal of common K-12 standards is to replace the existing patchwork of State standards” and that its view was “that the larger the number of States within a consortium, the greater the benefits and potential impact.”³⁴

In 2009, the Common Core State Standards Initiative was the only effort of its kind underway. By tracking the Common Core State Standards terminology in its grant requests for applications and by stating its intent to have one set of standards and one consortium, the Department discouraged other states from forming competing consortia.

The assessments (standardized tests) are an integral part of the Common Core system. Because assessments are meant, among other things, to measure what a student has learned, the Department wanted assessments that are aligned with the Common Core Standards. The assessments would serve not only as an evaluative tool, but also as an enforcement tool to ensure that a state is actually implementing standards. Here, the *Race to the Top* request for applications required that states, as one of the competition’s “absolute priorities,” participate “in a consortium of States that ...[i]s working toward jointly developing and implementing common,

²⁹ 74 Fed. Reg. 59,688 (Nov. 18, 2009) and 75 Fed. Reg. 19,496 (April 14, 2010) compare with *Benchmarking for Success*, by NGA, CCSSO, and Achieve, Inc., at p. 24 (Dec. 2008).

³⁰ 74 Fed. Reg. 59,688 (Nov. 18, 2009) and 75 Fed. Reg. 19,496, 19,498-99 (April 14, 2010) compare with *Benchmarking for Success*, by NGA, CCSSO, and Achieve, Inc., at p. 24 (Dec. 2008).

³¹ See 74 Fed. Reg. 59,688, 59,838 (Nov. 18, 2009). See also 75 Fed. Reg. 19,496; *The Road to a National Curriculum*, *supra*, at n.53.

³² 74 Fed. Reg. 59,688, at 59,843. See Robert S. Eitel & Kent D. Talbert, *The Road to a National Curriculum*, Pioneer Institute, no. 81 at p. 8 and n.64 (Feb. 2012).

³³ 75 Fed. Reg. at 19,516 (April 14, 2010). See *The Road to a National Curriculum*, *supra*, at p. 8 and n.66.

³⁴ 74 Fed. Reg. 59,688, at 59,733. See *The Road to a National Curriculum*, *supra*, at p. 10 and n.76.

high-quality assessments (as defined in this notice) aligned with the consortium’s common set of K-12 standards (as defined in this notice). . . .”³⁵

To this end, the Stimulus Bill also authorized \$362 million in funding “to consortia of states to develop assessments . . . and measure student achievement against standards.”³⁶ The Department used that money to award a grant of \$169,990,272 (with a subsequent supplemental award of \$15, 872,560) to the Partnership for Assessment of Readiness of College and Careers (“PARCC”) consortium and a grant of \$159,976,843 (with a subsequent supplemental award of \$15,872,696) to the SMARTER Balanced Assessment Consortium (“SBAC”).³⁷ Other funding for these consortia came from the Gates Foundation.³⁸

In addition to developing the assessments, both consortia, as Secretary Duncan has said, “will help their member states provide the tools and professional development needed to assist teachers' transitions to the new assessments.” For PARCC, this includes “curriculum frameworks”³⁹ and “model instructional units.”⁴⁰ Similarly, SBAC is using the federal funding “to develop curriculum materials” and to create “a model curriculum” and “instructional materials” aligned with the Standards.⁴¹ In *The Road to a National Curriculum*, Robert Eitel and Kent Talbert, the former deputy general counsel and general counsel, respectively, of the federal Department of Education, concluded that, “The assessment systems that PARCC and SBAC develop and leverage with federal funds, together with their hands-on assistance in implementing

³⁵ 75 Fed. Reg. at 19,503.

³⁶ 75 Fed Reg. at 18,171 (Apr. 9, 2010).

³⁷ See Cooperative Agreement Between the U.S. Department of Education and the Partnership for Assessment of Readiness of College and Careers (2011), available at <http://www2.ed.gov/programs/racetothetop-assessment/parcc-cooperative-agreement.pdf> and Cooperative Agreement Between the U.S. Department of Education and the SMARTER Balanced Assessment Consortium and the State of Washington (fiscal agent) (2011) available at <http://www2.ed.gov/programs/racetothetop-assessment/sbac-cooperative-agreement.pdf>. Illustrating the interconnectedness of all the interests that created Common Core, PARCC selected Achieve to “manage the consortia’s [sic] efforts to develop common assessments . . . ,” and hired three new directors who will actually work at Achieve rather than PARCC. To add to the confusion, one of these new directors hired by PARCC to work at Achieve already worked at Achieve. See Partnership for Assessment of Readiness for College and Careers, “Achieve Names Jeff Nellhaus, Director of PARCC Assessment, Doug Sovde, Director of PARCC Instructional Supports and Educator Engagement, & Karen Rosenthal, Director of Finance and Federal Reporting” (February 16, 2011), available at <http://www.achieve.org/files/Achieve%27sMarch2011PerspectiveNewsletter.pdf> (at p. 3). The Gates Foundation has provided funding for Achieve, see <http://www.achieve.org/Contributors>; for PARCC and SBAC, see McGraw Hill Education, “Education Brief: The Common Core State Standards Initiative,” at p. 11 (February 2011), available at http://www.commoncoresolutions.com/PDF/education_brief.pdf; and for WestEd, a federally created (though no longer federally run) and federally funded group that serves as project manager for SBAC. See <http://www.wested.org/cs/we/print/docs/we/fund.htm>. See also *infra* notes 84-89.

³⁸ See, *supra* n.26.

³⁹ See Remarks of Secretary of Education Arne Duncan, Beyond the Bubble Tests: The Next Generation of Assessments 4 (Sept. 2, 2010), <http://www.ed.gov/news/speeches/beyond-bubble-tests-next-generation-assessments-secretary-arne-duncans-remarks-state-1>.

⁴⁰ PARCC Proposal for Supplemental Race to the Top Assessment Award (2010), <http://www.edweek.org/media/parccsupplementalproposal12-23achievehfinal.pdf>.

⁴¹ See SMARTER Balanced Assessment Consortium, Supplemental Funding, Scope Overview Table 2-4 (2011), <http://www.smarterbalanced.org/wordpress/wp-content/uploads/2011/12/Smarter-Balanced-Supplemental-Funds.pdf>.

the [Standards] will direct large swaths of state K-12 curricula, programs of instruction and instructional materials, as well as heavily influence the remainder.⁴² Moreover, as discussed below the Department clearly intends to maintain its involvement given that (1) it has required the consortia “to make student-level data that result from the assessment system available on an ongoing basis for research, including for prospective linking, validity, and program improvement studies” and (2) it has changed federal family and student privacy protections in order to do so.

But that is not all the Department did to impose its education policies on the states. The *Race to the Top* request for applications called on states, in competing against each other for a share of the \$4.35 billion, to demonstrate their commitment to the Department’s system of policies **regardless of the competition outcome**. With respect to the Phase I competition, the request for applications required states to submit a plan “demonstrating [the state’s] commitment to and **progress toward** adopting a common set of K-12 standards (as defined in this notice) by August 2, 2010...and to implementing the standards in a well-planned way.” With respect to the Phase II competition, the request for applications required states to have adopted “a common set of K-12 standards (as defined in this notice) by August 2, 2010” and to demonstrate their “commitment to implementing the standards thereafter in a meaningful way.”⁴³ Because of the *Race to the Top* grant scoring rules, states could not win unless they committed to the Common Core Standards, which were the only ones in existence that met the description in the grant application.⁴⁴ States were thus in a competition to see which ones could firmly adopt the Department’s agenda before the two grant application due dates. The race was on.

But the Department wanted *carte blanche* commitments. To be competitive in the *Race to the Top* competition, states had to not only adopt the Standards and related assessments regardless of the competition outcome, but they had to do so without having an opportunity to evaluate the Standards and assessments. The federal timeline is revealing:

- The Department invited applications for Phase I on November 18, 2009, with a due date of **January 19, 2010**. Under this timeline, applicant states were required to demonstrate their commitment to the Common Core without having seen even a draft of the Standards.
- In a February 22, 2010 speech to NGA, President Obama made clear his intention that states would ultimately have to adopt Common Core to receive federal Title I education funding:

⁴² Robert S. Eitel & Kent D. Talbert, *The Road to a National Curriculum*, PIONEER INSTITUTE, no. 81, p. 15 (Feb. 2012).

⁴³ 74 Fed. Reg. 59,688 (Nov. 18, 2009) and 75 Fed. Reg. 19,496, at 19,516 (April 14, 2010).

⁴⁴ With respect to the *Race to the Top* competition, the Department designated the reform agenda as “absolute priorities,” meaning that a state had to address them to be considered for funding. See Discussion, *supra*. That aside, even assuming an applicant state received perfect scores in all other categories, a state could not have scored higher than 415 if it rejected Common Core and related assessments --below the lowest-scoring *Race to the Top* winner, Ohio, which scored a 440.8.

I also want to commend all of you for acting collectively through the National Governors' Association to develop common academic standards that will better position our students for success.... we're calling for a redesigned Elementary and Secondary Education Act that better aligns the federal approach to your state-led efforts while offering you the support you need....First, **as a condition of receiving access to Title I funds**, we will ask all states to put in place a plan to adopt and certify standards that are college and career-ready in reading and math.⁴⁵

- In its March 2010 *A Blueprint for Reform*, the Department stated, “Beginning in 2015, **formula funds will be available only** to states that are implementing assessments based on college and career ready standards that are common to a significant number of states.”⁴⁶
- Also in March 2010, two months after states had submitted their Phase I *Race to the Top* applications --including their required commitments to the Standards-- for the grants, NGA and CCSSO issued the draft Common Core Standards.
- On March 29, 2010, the Department announced the winners of Phase I (Delaware and Tennessee).
- The Department invited applications for Phase II on April 14, 2010 with a due date of **June 1, 2010**.
- Not until the day after that deadline, on June 2, 2010, did NGA issue the final K-12 Common Core Standards.
- The Department gave the Phase II applicants until **August 2, 2010** to amend their *Race to the Top* submissions in order to submit “evidence of having adopted common standards after June 1, 2010.”
- On August 24, 2010, the Department announced the Phase II winners (DC, FL, GA, HI, MD, MA, NY, NC, OH, and RI).

Thus, to be competitive for a share of the \$4.35 billion *Race to the Top* fund, Phase I applicants had to demonstrate a commitment to Common Core before even seeing a draft of the Standards. Phase II applicants had to adopt Common Core with, at most, two summer months to evaluate the Standards, compare them to their current standards, discuss the matter with their citizens, and commit to replace their standards with Common Core. . It should be noted that the assessments --to which the states have been forced to commit-- still have not been prepared.

The pressure exerted by the Department for the states to fall in line on Common Core was enormous. The Department dangled *Race to the Top* funding during a time of economic crisis and demanded action immediately. Within days after passage of the Stimulus Bill, the Department outlined its *Race to the Top* plan, signaled its desire for national standards, and

⁴⁵ <http://www.achieve.org/governor-phil-bredesen-d-tn-governor-dave-heineman-r-ne-and-prudential-vice-chairman-mark-grier-join>

⁴⁶ *ESEA Blueprint for Reform*, at pp. 11-12, U.S. DEP'T OF EDUC., OFFC. OF PLANNING, EVALUATION AND POLICY DEVELOPMENT, Washington, DC, 2010, available at <http://www2.ed.gov/policy/elsec/leg/blueprint>

identified NGA as a “partner” in the project. It rushed into place a grants program (which exceeded congressional authorization) that (1) demanded immediate action by the states to enact the Administration’s policy changes; (2) required the states to commit to standards and assessments without an opportunity to study them, pilot them, or even discuss them with their legislators and citizens; and (3) deprived the states of the opportunity to study the fiscal impact. Regarding New Jersey’s June 16 adoption, Rutgers professor Joseph Rosenstein remarked to *Education Week*, “Deciding so quickly, to me, is irresponsible. It was like it was a done deal, a foregone conclusion.”⁴⁷

But recession-racked states were desperate for cash, and the Department and the NGA-CCSSO public-relations operation employed appealing phrases such as a “state-led” effort and “internationally benchmarked standards and assessments.” Initially only Governor Palin of Alaska and Governor Perry of Texas refused to join the stampede. Governor Perry argued that it “smacks of a federal takeover of our public schools.” In May 2010, Virginia joined Texas and Alaska in opposing the takeover, with Virginia’s Governor McDonnell arguing that his state’s “standards are much superior” and the Common Core Standards had not been “validated.” Now, as more evidence has come to light and as citizens have an opportunity to delve into the matter, other states have begun to question the Common Core commitment decision.

English Language Arts Standards

PM/S claims that the Common Core Standards (CC) do not diminish classic literature in favor of informational texts: *While the standards “do encourage increased exposure to informational texts and literary nonfiction . . . [t]he goal is to have children read challenging texts that will build their vocabulary and background knowledge.”*

Response: There is no evidence, historical or empirical, showing that students become better readers, more capable of understanding complex text or vocabulary, if they study nonfiction rather than fiction. In fact, all the evidence shows that the way to increase reading skills and vocabulary is to increase classic literature study, not decrease it. See the report produced by Dr. Sandra Stotsky and Dr. Mark Bauerlein, available at <http://news.heartland.org/newspaper-article/2012/10/04/report-46-states-limit-classic-literature-schools>. As Stotsky and Bauerlein describe, convincing proof of this comes from Massachusetts, which implemented a literature-rich curriculum and saw its students’ reading scores soar (this was before MA abandoned this curriculum for CC, to get Race to the Top money.)

PM/S claim that “by the end of high school, [the nonfiction component of coursework] represents 70 percent of total reading in all classes. The standards explicitly warn that English teachers ‘are not required to devote 70 percent of reading to informational texts.’”

⁴⁷ Catherine Gewertz, *State Adoptions of Common Standards Steam Ahead*, EDUCATION WEEK, July 9, 2010 (online) and July 14, 2010 (print).

Response: Although a footnote in the standards does say that the 70 percent informational text spreads across all subject areas, the two primary authors of the English language arts (ELA) standards emphasize that “[m]ost *ELA programs* and materials designed for them will need to *increase substantially* the amount of literary nonfiction [*i.e.*, informational text] they include.” <http://groups.ascd.org/resource/documents/122463-PublishersCriteriaforLiteracyforGrades3-12.pdf>, p. 5. The ELA standards themselves include more “informational text” standards than they do “literary” standards – strongly suggesting to states, districts, and teachers that at least 50 percent of time in *English class* should be devoted to nonfiction rather than literature. <http://www.heritage.org/research/reports/2012/12/questionable-quality-of-the-common-core-english-language-arts-standards>. As a practical matter, English teachers are being told explicitly to reduce their concentration on literature and focus on nonfiction instead; in one large metro Atlanta district, English teachers have been instructed to teach 55 percent nonfiction, 45 percent literature (we have no documentation of this – it came from a mole in the school system). And teachers in some other subject areas can contribute to this 70 percent of reading only if they spend less time on the content they are supposed to teach, and more on the “literacy” aspects. Teachers of science and math, for example, are not reading teachers and should not be expected to train their students in literacy. The absurdity of this is illustrated by what took place in a metro Atlanta math class this semester (this comes from a different mole), when the class spent two weeks reading and writing about mathematicians rather than learning math – all to reach that all-important 70 percent nonfiction level.

PM/S tout CC’s inclusion of foundational American documents.

Response: Yes, Common Core does suggest that such documents be taught (though why they should be taught in English class rather than history class is not clear). But there is no mechanism in Common Core to guarantee that this instruction actually occurs, and an English teacher who is not trained to teach such material – who is expert in teaching literature, not historical documents -- is less likely to do so. And David Coleman, the author of the ELA standards, has advocated teaching such documents “cold,” without historical context, and without understanding of their purpose. http://www.washingtonpost.com/blogs/answer-sheet/post/teacher-one-maddening-day-working-with-the-common-core/2012/03/15/gIQA8J4WUS_blog.html. This approach is unlikely to enhance students’ understanding of and appreciation for our history.

PM/S point out that *To Kill a Mockingbird* still appears on Common Core’s list of exemplars.

Response: Maybe so, but with 50 percent or more of English class time taken up with nonfiction, there won’t be much time to read it. In fact, much of the Common Core ELA standards suggest that students read only excerpts of literary works, not entire works – as the ELA authors affirm, “The study of short texts is particularly useful” to prompt “close analysis” of “demanding text.” See Publishers’ Criteria, above, at p. 4. A member of the “Implementing

Common Core Standards” team at the Center for Teaching Quality argues that reading only excerpts can be good enough – that students can “wrestle meaning” from “essential excerpts” that are examined in “small chunks.”

http://blogs.edweek.org/teachers/teaching_ahead/2012/03/a_new_set_of_cookware.html

This is what teachers will have to resort to – they simply won’t have the time to devote to complete books or plays.

PM/S scoff at the claim that the Common Core ELA standards promote the teaching of “dry government manuals.”

Response: Look at Appendix B to the ELA standards.

http://www.corestandards.org/assets/Appendix_B.pdf. On the list of exemplars appears *Recommended Levels of Insulation*, from the Environmental Protection Agency.

PM/S argue there is nothing “squishy” or “progressive” about the CC math standards – that “essential math skills [such as learning the standard algorithms] are not only required but given high priority, especially in the early grades.”

Response: This is simply not true. Common Core does eventually require teaching the standard algorithms, but **not** in the early grades. Quite the opposite. The math standards delay teaching the standard algorithms for addition and subtraction of double- and triple-digit numbers until fourth grade (previously, most schools taught them in second grade). They don’t teach the standard algorithm for two- and three-digit multiplication until fifth grade, and long division until sixth grade. As math teacher Barry Garelick has written, “In the meantime, students learn alternative strategies that are far less efficient, but that presumably help them ‘understand’ the conceptual underpinnings.” <http://www.theatlantic.com/national/archive/2012/11/a-new-kind-of-problem-the-common-core-math-standards/265444/> This is nothing more than the return of the “fuzzy math” that was tried, and failed, thirty years ago. It’s being done in the name of teaching “deeper conceptual understanding”; it just doesn’t teach how to work actual math problems.

PM/S claim that “*the Common Core standards are a floor, not a ceiling. Students can be accelerated and offered supplemental learning . . .*”

Response: A state that has adopted Common Core must implement the standards word for word. It cannot change or delete anything. The only supplementation it can offer is a maximum of 15 percent in any content area (<http://www2.ed.gov/programs/racetothetop/executive-summary.pdf>, p. 12) – and that additional content area will not be included on the national test, which means the teachers (whose evaluations will be tied to their students’ test scores) will not teach it.

Can students be “accelerated”? Common Core proponents, responding to criticism about, for example, moving algebra I from 8th grade to 9th grade, insist they can. But here again, the national standardized test gets in the way. Algebra I content will not be included on the test given

to 8th-graders. Moreover, the Common Core standards for K-7 are designed to prepare students for *pre-algebra*, not algebra, in 8th grade. <http://truthinamericaneducation.com/wp-content/uploads/2012/03/Wurman-Testimony-Addendum-no-2-02-22-2012.pdf>. This means the only students who will be prepared to take algebra I a year early are those who have academic parents who can help them at home, or parents affluent enough to afford tutoring for them. Over time this will increase, not decrease, the achievement gap.

PM/S say “*the standards can be improved over time, and states are free to devise something better.*”

Response: Theoretically, yes, the standards can be improved over time. But no one knows who will have the authority to do that. The standards are owned and copyrighted by the National Governors Association (NGA) and the Council of Chief State School Officers (CCSSO), which are trade associations not controlled by the states. <http://www.corestandards.org/terms-of-use>. It’s not at all clear how the states would go about achieving “improvements” in the standards. What *is* clear is that an individual state cannot do this alone. If Utah, for example, wants to change any standard, it cannot do so unless it can persuade a majority of other Common Core states, and NGA, and CCSSO, and probably the U.S. Department of Education, to go along with the change. The suggestion that the states are in control here is flatly wrong.

PM/S conclude by repeating the buzz words about CC’s “*rigor,*” and suggest that conservatives should be in favor of “*high standards and an academic curriculum based on great works of Western civilization and the American republic.*”

Response: “Rigor” is a meaningless talking point repeated *ad nauseum* by the Common Core proponents. The plain truth is that they have no idea if these standards are “rigorous,” because Common Core has never been piloted or tested anywhere. As for the lecture about what conservatives should be in favor of, suffice it to say that conservatives are in favor of operating under our founding principles – which leave education policy to the states, the localities, and especially the parents. We can achieve “high standards and an academic curriculum based on the great works of Western civilization and the American republic” on the state level. We don’t need a progressive perversion of this shoved down on us by the federal government and private interests in Washington, supported by millions of dollars poured out by unaccountable foundations determined to reshape America in their image.

Find out how to fight Common Core State Standards

- American principles project: <http://americanprinciplesproject.org>
- Michelle Malkin: <http://michellemalkin.com/>
- Facebook group: [Parents and Educators Against Common Core Standards](#)
- <http://www.freedomworks.org/>
- Teachers against Common Core State Standards: <http://whatiscommoncore.wordpress.com/tag/teachers-against-common-core/>
- Michelle Malkin: <http://michellemalkin.com/>
- <http://americansforprosperity.org/>
- <http://stopcommoncore.com/get-connected/>
- HSLDA.org
- <http://stopcommoncore.com/get-connected/>
- <http://truthinamericaneducation.com/>

Government Documents:

Race to the Top executive order

<http://www2.ed.gov/programs/racetothetop/executive-summary.pdf>

Feb 2013 tech report by education department

<http://www.ed.gov/edblogs/technology/files/2013/02/OET-Draft-Grit-Report-2-17-13.pdf>

FERPA ed.gov paper

<http://www2.ed.gov/print/policy/gen/guid/fpco/ferpa/index.html>

Ferpa

<http://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html>

Stimulus bill

<http://www.gpo.gov/fdsys/pkg/BILLS-111hr1enr/pdf/BILLS-111hr1enr.pdf>

Ferpa 101

<http://www2.ed.gov/policy/gen/guid/fpco/doc/ferpa101slides.pdf>