

National
Common Core
Standards System

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I. Introduction

When the Common Core Standards Initiative (CCSI) began, few people were aware of the sweeping changes coming to education. Today, Arizona is beginning to see the consequences of adopting this program. Our children's future success, with respect to both citizenship and economic achievement, hinges on the decisions made today.

CCSI is much more than educational standards. It is the lynchpin in a drive by special interests and the federal government to shape national education policy to an extent never before seen in the history of Arizona and the United States. This system will be referred to as the National Common Core Standards System. It includes the following areas:

1. Educational Standards
2. High Stakes Testing
3. Data Collection
4. Student Privacy
5. Accountability

These areas plus the history of Common Core will be discussed to inform the reader about the scope of the federal agenda, and the current and future effects on Arizona's students, families, teachers, and schools.

II. History of Common Core

Many people assume that the nationwide prevalence of Common Core indicates that each of the states engaged in a vigorous review of the standards and independently rated them as beneficial and of high quality. The history of Common Core shows that the standards were pushed into the states in a way that circumvented the usual checks and balances in the constitutional structure. Familiarity with the history also helps one understand the interests of the Common Core owners and developers and how they work through groups such as the Chamber of Commerce to propagate the Common Core system. As discussed throughout this document, the reader will also learn that Common Core standards are systemically defective.

A. The History of Common Core in America

As described in more detail below, the Common Core system includes 1) a set of national K-12 standards in English language arts (ELA) and math; 2) standardized tests aligned to the standards, which includes two federally funded tests and, increasingly, as the test consortia have started to collapse due to their expense and design defects, third-party and state-owned tests that are aligned to the standards; (3) federally funded teacher evaluations that are significantly shaped by the federal government. In addition, the federal government has required the states to align their policies and laws in order to receive conditional No Child Left Behind (NCLB) waivers of burdensome federal regulations and *Race to the Top* (RTTT) grant money. Some of the same private entities involved in developing Common Core were also

involved in coordinating the development of the Next Generation Science Standards and the Social Studies Frameworks, both of which are aligned with Common Core.¹

The National Governors Association (NGA) and Council of Chief State School Officers (CCSSO) own the copyright to the Common Core Standards.² They developed the standards through Achieve, Inc., a private entity founded by a group of governors and corporate executives at the 1996 National Education Summit, a meeting of governors and executives hosted by IBM.³ NGA, CCSSO, and Achieve work as partners in the advancement of the Common Core.⁴

NGA and CCSSO are private, incorporated entities that receive money from other private entities, such as corporations and foundations, and from states in the form of dues for the participation of state school chiefs and governors in association activities. Both the NGA and CCSSO also receive significant state and federal tax dollars.⁵ They are not governmental entities. They do not have grants of legislative authority from the states. They are located in Washington, DC, not in the states. Because they are *private* entities, their meetings are not subject to Freedom of Information Act (FOIA) requests or other sunshine laws.

A governor or school chief who participates in NGA or CCSSO meetings is not doing so within the context of the “checks and balances” of state government. Those checks and balances manifest themselves through, among other things, public notices, government oversight, public meetings, and procedural adherence to public laws. Such mechanisms serve to uphold the public trust, to protect the rights of the people, to ensure that the government adheres to the will of the people, and to ensure prudent and wise governmental actions. As a matter of law and reason, neither a state nor the federal government can substitute “private action” for such mechanisms.

¹ <http://www.nextgenscience.org/writing-team>

² <http://www.corestandards.org/public-license/>

Attribution; Copyright Notice:

NGA Center/CCSSO shall be acknowledged as the sole owners and developers of the Common Core State Standards, and no claims to the contrary shall be made.

³ <http://www.achieve.org/history-achieve>. Achieve’s corporate leadership consists of corporate executives and four governors. See <http://www.corestandards.org/public-license/> and <http://www.achieve.org/our-board-directors>.

⁴ <http://www.achieve.org/history-achieve> (“2009: Work begins on the development of the Common Core State Standards; Achieve partners with the National Governors Association and Council of Chief State School Officers on the Initiative and a number of Achieve staff and consultants serve on the writing and review teams.”)

⁵ <http://news.heartland.org/newspaper-article/2013/04/24/state-led-common-core-pushed-federally-funded-nonprofit>

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⁵ <http://news.heartland.org/newspaper-article/2013/04/24/state-led-common-core-pushed-federally-funded-nonprofit>

With respect to their Common Core activities, the names “NGA” and “CCSSO” imply, and have led many people to assume, that those organizations have been acting at the “behest of states” -- in other words, that the states, through their respective public check-and-balance-processes, individually empowered NGA and CCSSO to develop the standards and that they oversaw their development. The reality, though, is far from that. NGA and CCSSO developed the Common Core in response to massive private funding, most notably from the Bill & Melinda Gates Foundation. State involvement amounted to little more than “suggestion-box” input and none of that input remotely involved individual states’ systems of checks and balances or public processes. States’ limited role was only *exacerbated* by the short timeline for Common Core’s development.

From the Gates Foundation alone, NGA, its partners, and Student Achievement Partners -- another private entity heavily involved in advancing the Common Core--have accepted an estimated \$147.9 million for a variety of purposes, \$32.8 million of which is expressly earmarked to advance CCSS.⁶ Overall the Gates Foundation has spent an estimated \$2.3 billion in advancing Common Core.⁷ The wide range of its recipients⁸ includes,⁹ but is not limited to, National Association of State Boards of Education, Education Commission of the States, PTA associations, the Military Child Education Coalition, Council of State Governments, National Writing Project, National Council of Teachers of English, The American Association of School Administrators, the American Federation of Teachers Educational Foundation, the National Education Association Foundation for the Improvement of Education, the American Legislative Exchange Council, and WestEd. In furtherance of the NGA Common Core product, the Gates Foundation has even funded state entities including the Colorado, Delaware, Georgia, Kentucky, Louisiana, and Pennsylvania departments of education, as well as local education offices in Indiana, Ohio, and New Mexico. The Gates funding footprint extends to the College Board--owner of the SAT and Advanced Placement tests--to which Gates has provided over \$32 million in funding since 2001. In fact, the College Board’s new president, David Coleman, was one of the architects and chief writers of Common Core and, upon his appointment by the College Board, stated his intention to align the SAT to Common Core.¹⁰

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(calculating the amount as of Sept. 22, 2013). On her May 12, 2013 Washington Post blog, Valerie Strauss calculated the figure to be \$150 million.

The Gates Foundation provides information on all its grants through its website:

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⁸ <http://deutsch29.wordpress.com/2013/09/03/gates-money-and-common-core-part-ii/>

⁹ <http://deutsch29.wordpress.com/2013/09/11/gates-money-and-common-core-part-iii/>

¹⁰ Catherine Gewertz, *Incoming College Board Head Wants SAT to Reflect Common Core*, Education Week, (May 16, 2012),

Gates money also funds independent institutes and foundations to advance and promote Common Core, including American Agora Foundation, American Enterprise Institute, Aspen Institute, Facing History and Ourselves National Foundation, Foundation for Excellence in Education, James B. Hunt Institute for Educational Leadership and Policy Foundation, KnowledgeWorks Foundation, Nellie Mae Education Foundation, New America Foundation, and Thomas B. Fordham Institute.¹¹ It funds businesses¹² and universities¹³ to advance Common Core. It funds entities like the Chamber of Commerce to promote Common Core.¹⁴

Every year, the Gates Foundation pours more and more millions of dollars into “college ready” grants, which is one of the main goals of the Common Core. As of this writing, Gates has made 2068 separate contributions to this grant category.¹⁵ Together, the promotion of Common Core by these entities gives the false appearance of a settled issue, one that is based on evidence and on consensus.

The NGA and CCSSO persuaded the federal government to foist the Common Core standards, and indeed the entire Common Core System, onto the states. In their December 2008 white paper *Benchmarking for Success*, NGA, CCSSO, and Achieve encouraged the federal government on the eve of the new administration to provide funding to states to, among other things:

- “[u]pgrade state standards by adopting a common core of internationally benchmarked standards in math and language arts for grades K-12...”
- “ensure that textbooks, digital media, curricula, and assessments are aligned” to the standards “offer a range of tiered incentives to make the next stage of the journey easier, including increased flexibility in the use of federal funds and in meeting federal educational requirements....”
- “revise state policies for recruiting, preparing, developing, and supporting teachers and school leaders to reflect the human capital practices of top performing nations and states around the world.”¹⁶

These ideas served as the basis of the U.S. Department of Education’s RTTT grant competition program,¹⁷ which the Department (USDE) funded with money from the American Recovery and Reinvestment Act of 2009 (the “Stimulus Bill”). USDE also apparently drew from

¹¹ <http://deutsch29.wordpress.com/2013/09/25/gates-money-and-common-core-part-v/>

¹²

¹³ <http://deutsch29.wordpress.com/2013/09/17/gates-money-and-common-core-part-iv/>

¹⁴ Gates has provided at least \$5.6 million to chambers of commerce to advocate for Common Core.

Gates has also paid the Institute for a Competitive Workforce, an affiliate of the U.S. Chamber of Commerce, over \$3.2 million to push for the national standards.

¹⁵ <http://www.gatesfoundation.org/How-We-Work/Quick-Links/Grants-Database#q/program=US%20Program&issue=College-Ready>
pp. 5-7, 37.

¹⁷ <http://www.ed.gov/blog/2009/07/president-obama-secretary-duncan-announce-race-to-the-top/>

Benchmarking for Success in developing the No Child Left Behind flexibility waiver program.

The enactment of the Stimulus Bill, on February 17, 2009¹⁸ set into motion three dynamics that unfolded throughout 2010: (1) USDE began preparing the RTTT grant competition program for the states; (2) Under tremendous pressure to obtain as much Stimulus money as possible as an “antidote” to the widely forecast impending fiscal and economic calamity, most states began positioning themselves to win money in the grant competition against other states; and (3) NGA, CCSSO, and Achieve began to develop the Common Core Standards through a private process.¹⁹

Title XIV of the Stimulus Bill appropriated \$53.6 billion to USDE, most of which would be granted to the states in formula grants or, as with the \$4.35 billion allocated to RTTT, in competitive grants. To receive the formula grants, a state had to make assurances to the federal government regarding certain federal objectives. For example, the states had to assure the USDE that it was “improving teacher effectiveness,” “improving data collection,” “enhancing the quality of student assessments,” and taking “steps to improve State academic achievement standards.”²⁰

To receive competitive grants, a state had to go a step further with respect to the same criteria. It had to demonstrate that it had “made significant progress in meeting the objectives...”²¹ This ignited, for the next year-and-a-half (the period of time it would take the federal government to design the competition and receive the grant applications from the states), a race among states to shape their laws, policies, and actions to fulfill the federal interpretation of those assurances and to score points in the competition.

Key points in that timeline included the following:

- Shortly after enactment of the Stimulus Bill, the federal Secretary of Education, Arne Duncan, expressly lauded the Common Core efforts of Achieve and Gates.²²
- In early 2009, USDE hired two key employees from the Gates Foundation:
 - James Shelton, former deputy director of education at the Gates Foundation, as assistant deputy secretary at USDE and as head of the Department’s Office of Innovation and Improvement; and

¹⁸ The American Recovery and Reinvestment Act of 2009 (ARRA) | available at <http://www.gpo.gov/fdsys/pkg/BILLS-111hr1enr/pdf/BILLS-111hr1enr.pdf>

¹⁹ See, e.g., *supra*, at fn. 4; R. James Milgram and Sandra Stotsky, *Lowering the Bar: How Common Core Math Fails to Prepare High School Students for Stem*, Pioneer Institute, no. 103 (Sept. 2013), <http://pioneerinstitute.org/download/lowering-the-bar-how-common-core-math-fails-to-prepare-high-school-students-for-stem/>.

²⁰ ARRA, Sec. 14005(d).

²¹ ARRA, Sec. 14006(a)(2), *referencing* the Stimulus Bill at “section 14005(d).”

²² States Will Lead the Way Toward Reform:

Secretary Arne Duncan's Remarks at the 2009 Governors Education Symposium available at <http://www2.ed.gov/news/speeches/2009/06/06142009.html>

- Margot Rogers, former special assistant to the director of education programs at the Gates Foundation, as chief of staff for the Secretary of Education.²³
- In March 2009, USDE announced the RTTT “national competition” to award the Stimulus money through two rounds of grant awards, RTTT Phase 1 and Phase 2.²⁴
- On June 1, 2009, NGA and CCSSO announced²⁵ that 46 states had joined “a state-led process to develop a common core of state standards,” without explaining what “joining” entailed.²⁶
- Two weeks later, the June 2009 NGA-Hunt Institute education forum featured direct national-standards advocacy to the 21 governors and staff who attended (the invitation-only event did not release names) and spliced in Secretary Duncan, who spoke of national standards as a federal-state partnership: “[M]y job is to help you succeed” in adopting “common national standards,” Duncan told the assembly.²⁷
- Under the competition, states competed with each other to win back their taxpayers’ money, and they earned points in the grant competition by committing to USDE’s policy agenda and demonstrating their progress in implementing that agenda. To that end, on July 24, 2009, Secretary Duncan also stated, “But I want to be clear that the RTTT is also a reform competition, one where states can increase or decrease their odds of winning federal support.”²⁸
- On November 12, 2009, in its final rule on the Stimulus Bill’s State Stabilization Fund, the USDE praised the development of the Common Core:

The Department continues to encourage States to work together to develop and implement common internationally benchmarked standards and assessments aligned to those standards in order to ensure that students are college-and-career-ready.²⁹

- USDE shaped state policy-making through an aggressive *misinterpretation* of the law. Through the statements of federal officials and through the RTTT grant applications, it changed the goal of encouraging a state to “enhance the quality of academic assessment”³⁰ to mean, for all practical purposes, adopting the NGA’s Common Core.

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http://www.businessweek.com/magazine/content/10_30/b4188058281758.htm

²⁴ <http://www2.ed.gov/policy/gen/leg/recovery/implementation.html>

²⁵ 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

²⁶ Joy Pullmann, *Five People Wrote ‘State-Led’ Common Core*, School Reform News,

citing,

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

²⁷ <http://www2.ed.gov/news/speeches/2009/06/06142009.html> ;

<http://www.nga.org/files/live/sites/NGA/files/pdf/0910GESREPORT.pdf>.

²⁸

²⁹

at p. 58437.

³⁰ With respect to standards, the Stimulus Bill’s “State Assurances” language states, at Section 14005(d)(C), that the State “[w]ill take steps to improve State academic content standards and student achievement standards consistent with section 6401(e)(1)(A)(ii) of the America COMPETES Act.” See also 74 Fed. Reg. 37,837, at 37,839(July 29, 2009)(quoting section 6401(e)(1)(A)(ii)). There

- A State had to *compete* for money that came from its taxpayers by demonstrating its commitment to USDE’s education system, essentially committing to a monopoly. USDE:
 - Set, as one of the competition’s “absolute priorities,” that a state had to participate “in a consortium of States that ...[i]s working toward jointly developing and implementing common, high-quality assessments ... aligned with the consortium’s common set of K-12 standards ...”³¹
 - 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, criteria that doomed the application of any state that had not joined the NGA effort.³²
 - 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.”³³

- A state had to commit to the Standards and assessments *before*³⁴ they were completed and make their case that the Standards would be implemented regardless of whether it was awarded RTTT money:
 - States had to submit Phase I applications by January 19, 2010.
 - NGA issued the first public draft of the Standards in March 2010.
 - On March 29, 2010, the Department announced the Phase I winners (DE and TN).
 - States had to submit Phase II applications by June 1, 2010.
 - NGA issued the final K-12 Common Core Standards on June 2, 2010. From the March draft to the final version of the Common Core, the quality of the Standards actually *declined* in certain respects.³⁵
 - Phase II applicants had until August 2, 2010 to amend their RTTT submissions in order to submit “evidence of having actually adopted common standards” after June 1, 2010.

- In submitting its application, a state *had* to also demonstrate that it had joined one of the two state consortia applying for another pot of RTTT money, that is, either the Partnership for Assessment of Readiness for College and Careers (PARCC) or Smarter Balanced Assessment Consortium (SBAC), both of which were developing the

is no intent evidenced in either the Stimulus Bill or America Competes to herd the states into a particular set of standards or into the same set of standards.

³¹ 75 Fed. Reg. at 19,503.

³² 75 Fed. Reg. at 19,516 (April 14, 2010). See also *The Road to a National Curriculum*. <http://www.fed-soc.org/publications/detail/the-road-to-a-national-curriculum-the-legal-aspects-of-the-common-core-standards-race-to-the-top-and-conditional-waivers>

³³ 74 Fed. Reg. 59,688, at 59,733. See also *The Road to a National Curriculum, supra*.

³⁴ 74 Fed. Reg. 59,836 (Nov. 18, 2009) (list of Race to the Top deadlines). <http://www.gpo.gov/fdsys/pkg/FR-2009-11-18/pdf/E9-27427.pdf>.

³⁵ R. James Milgram and Sandra Stotsky, *Lowering the Bar: How Common Core Math Fails to Prepare High School Students for Stem*, Pioneer Institute, no. 103 (Sept. 2013), <http://pioneerinstitute.org/download/lowering-the-bar-how-common-core-math-fails-to-prepare-high-school-students-for-stem/>.