

TESTIMONY OF EMMETT MCGROARTY

before the

MISSOURI HOUSE EDUCATION COMMITTEE

March 6, 2013

Mr. Chairman and Members of the Committee,

I am an attorney with the American Principles Project. I here to testify today about:

1. The process issues underlying the Common Core Standards (the "Standards" or the "Common Core") development, and
2. How that process will affect the rights of Missouri to chart its educational course.

Alignment of Federal and Private Agenda

The Common Core arose from grants by the Bill and Melinda Gates Foundation to the National Governors Association ("NGA"), the Council of Chief State School Officers ("Council of Chiefs") and Achieve, Inc. Those entities began preparing for a national standards push in 2008, likely earlier. In a December 2008 policy paper, called *Benchmarking for Success* paper, they proposed a program designed to usher in national standards.

The incoming presidential administration adopted the essentials of that plan, and it became known as Race to the Top. In a February C-SPAN interview, Education Secretary Arne Duncan said that, through the Race to the Top program, he wanted to be the catalyst to bring about common standards, and in so doing he expressly lauded the work of "great outside partners Achieve [and] the Gates Foundation."

The federal Department of Education funded Race to the Top with money from the 2009 Stimulus bill. Although it did not write the Standards, it essentially made their adoption a performance condition of receiving a Race to the Top grant.

At this point, the Standards had not been developed. Nonetheless, its propagators had the sales slogans in place. The Standards would be "fewer, clearer, deeper," rigorous, college-ready, state-lead, and internationally bench-marked. NGA and the Council of Chiefs retained Achieve to write the Standards.

The Common Core Developers and the States Under Pressure

It is important to note that, despite their names, NGA and the Council of Chiefs are private entities. They do not have a grant of authority from any state. As private-groups, there were no requirements that the process be subject to open meetings, open records, or other safeguards of

the people's will and rights. Initially, they did not even release the names of those writing the standards.

In December 2009, Bill Evers and Ze'ev Wurman wrote that the Race to the Top timeline "raises deep concerns about whether the public and the states can provide in-depth feedback [and] whether standards that are of high quality can possibly emerge from the non-transparent process...." The lack of transparency was not limited to the public. Sandra Stotsky, a member of the Common Core's Validation Committee, has noted that even though committee members repeatedly requested the list of countries the standards were supposedly benchmarked to, they never received it. Likewise, she reports that they were not given citations to the academic authorities supposedly undergirding the Standards.

During this process, states were under intense pressure to pursue 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.

States had to submit their Race to the Top applications by June 1, 2010. NGA issued the final Standards on June 2. Applicant states then had until August 2, 2010 to amend their submissions to demonstrate their formal adoption. They had no meaningful opportunity to evaluate the Standards, to consider the costs of implementation, or to inform the people. Those who pulled their states into the Common Core argue that they "had a say" in their development, but at best they traded having total control over their standards for having one voice among many. A more apt description is that they had "suggestion box input."

The history of the Common Core adoption in this state exemplifies this reality. Missouri submitted its Race to the Top application prior to the June deadline. Then the State Board of Education voted on June 15, 2010-- its only meeting before the August 2nd deadline to adopt the Common Core. The Board's record reflects a hurried process, stating that "[a]n analysis of the final version of the Common Core Standards will be provided to the Board."

Implications of Common Core Adoption

States that have joined the Common Core Consortia have promised to adopt the Standards in full. They may add a little material as long as it does not exceed 15% of a content area – but that added amount will not be on the standardized tests. And because teachers' evaluations will be tied to those tests, they will unlikely spend valuable class time on that content.

The Standards are owned by the private interests that created them. Those entities have copyrighted them and attached a disclaimer of liability on them. A parent or teacher with a

complaint or suggestion will have no one to call to ask for changes. No state, or even federal, legislative body or official controls the Standards.

Looking ahead, states face a difficult battle to prevent further erosion of their sovereignty. The Common Core owners will likely be more responsive to their funders and the federal government than to individual states or even to the states collectively. The Gates Foundation alone, for example, has poured over an estimated \$125 million into organizations that have an interest, financial or otherwise, in the implementation of Common Core.

All this raises questions about how decisions about governance of the Standards will be made. Such necessary decisions include:

- 1) Researching, evaluating, and validating the standards and the assessments. Who will do this and determine, for example, whether a given set of results is a fair assessment of Missouri students?
- 2) Updating and revising the standards.
- 3) Ensuring that from state to state, assessments are given within the same time frame so that no one state has the advantage of administering its tests after the other states.
- 4) Coordinating state academic calendars so that states do not suffer for having had less instructional time under their belts at the time of the assessments.
- 5) Coordinating and enforcing instructional time so that states do not “game the system” by de-emphasizing other subjects in order to out-perform on ELA and math.
- 6) Responding to parental concerns and complaints, especially with respect to issues of bias and testing philosophies.
- 7) Adding new subjects.

These issues have not been worked out. Even if states are represented in the governance structure, how will the interests of small states and large states be balanced? By what margins will decisions have to pass? And how will the interests of parents and students be protected?

In taking a closer look at the many ramifications of adopting the Common Core standards and the aligned assessments, you are joining the growing list of other states that are beginning to re-assert their constitutional authority over education. The stakes could not be higher -- the future of our children's education hangs in the balance.