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PUBLIC POLICY RESEARCH

TESTIMONY

Testimony to the Utah 2012 Education Interim Committee

by James Stergios
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I thank the co-Chairs of the Committee, Senator Howard Stephenson and Representative Francis Gibson, for the opportunity to provide testimony to the Committee.

My name is James Stergios, executive director of the Boston-based think tank, Pioneer Institute. Pioneer Institute has produced the most analytic work on the Common Core in the country, with multiple peer reviewed published reports on their relative quality, cost, and legality. In doing this work we have taken no funding from interested parties, and we have commissioned the reports from the most highly qualified scholars and experts in the country.

Our motivation is the same as yours: We care deeply about our children and this country's future, and want to prepare our students to compete internationally and to be citizens in a free society characterized by strong state and federal institutions.

My testimony presents four concerns about the Common Core national standards and assessments, which are fully derived from empirical analysis:

1. The quality of the Common Core standards is mediocre and aims for community college-level.
2. The implementation of national standards and assessments limits Utah's ability to innovate.
3. The promotion of national standards and assessments by the federal government is illegal.
4. Utah has adopted the national standards and assessments without adequate deliberation.

James Stergios is Pioneer's Executive Director. Prior to joining Pioneer, he was Chief of Staff and Undersecretary for Policy in the Commonwealth's Executive Office of Environmental Affairs, where he drove efforts on water policy, regulatory and permit reform, and urban revitalization. His prior experience includes founding and managing a business, teaching at the university level and in public and private secondary schools, and serving as headmaster at a preparatory school. Jim holds a doctoral degree in Political Science.

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It also makes suggestions for actions by the Utah legislature.

First, the quality of the Common Core is mediocre and aims for community college readiness. Pioneer Institute has conducted four independent evaluations of the national standards, comparing them to states that have or had high standards. In every case, our experts found Common Core to be of lower quality. The Common Core English Language Arts standards suffer from many technical shortcomings, such as their lack of coherent grade-by-grade progressions through high school. But the problems are larger than that. As Dr. Stotsky's testimony underscores:

> *Common Core's standards for English language arts are neither research-based nor internationally benchmarked… To judge from my own research on the language and literature requirements for a high school diploma…, Common Core's ELA standards fall far below what other English-speaking nations or regions require of college-intending high school graduates." In fact, that is the main reason that [Stotsky] and four other members of the [Common Core] Validation Committee declined to sign off on Common Core's standards.*
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> *Nor is there evidence to support the idea [embedded in Common Core] that having English teachers teach more information reading (or literary nonfiction) and less literary reading will lead to greater college readiness.*

Let me underscore three points here: First, the Common Core ELA standards are not authentic academic standards; rather, they are empty skills standards. I would be pleased to elaborate on this important issue later.

Second, Massachusetts' remarkable rise on national assessments is not because we aligned our reading standards to the NAEP. Rather, it is because, unlike Common Core, our reading standards emphasized high-quality literature. Reading literature requires the acquisition in a compressed timeframe of a richer and broader vocabulary than non-fiction texts. Vocabulary acquisition is all-important in the timely development of higher-level reading skills.

Third, English teachers are trained not to teach Federal Bank reports, or computer and other manuals. They are people steeped in the love of language and literature. Asking an English teacher to teach one of Microsoft's software development manuals is really not going to work out well.

Common Core's math standards also suffer from a lack of coherent grade-by-grade progressions, but they too have deeper problems. Common Core's standards for Algebra I, Geometry and Algebra II are not demanding and reflect a less than rigorous definition of "college readiness." Common Core's goal of teaching Algebra I only in high school makes it at least one year behind the recommendations of the National Mathematics Panel and current practice among our international competitors. Common Core alarmingly replaces the traditional Euclidean foundations of geometry with an experimental approach to middle and high school geometry that has not been widely or ever successfully implemented at the middle and high school levels.

Stanford mathematics professor James Milgram, well known to Utah during its revision of its state math standards and also a member of the review committee for the Common Core math standards, considers the material covered in Common Core's math standards by fifth grade to be "more than a year behind the early grade

expectations in most high-achieving countries" and by seventh grade to be "roughly two years behind." He says that the national math standards "are written to reflect very low expectations."

As Stotsky notes in her testimony: Jason Zimba, lead writer of Common Core's mathematics standards, admitted at a meeting of the Massachusetts Board of Elementary and Secondary Education that passing a college readiness test in mathematics will mean that students in Utah or Massachusetts will only be qualified to enroll in a non-selective community or state college.

Former head of the Council of Chief State School Officers Gene Wilhoit's insistence that Utah can add whatever it wants to the national standards is meaningless for two reasons: First, there may be no federal policing of the standards today, but there is ample evidence across many policy areas that the federal government often moves from "gentlemanly agreements" to mandates. Second, Common Core requires that states adopt the standards verbatim, with flexibility to add up to 15 percent to the content. However, the national assessments will not cover that additional material. As a result, no districts and no teachers will end up teaching the add-ons.

I know that Utah has removed itself from the Smarter Balanced consortium, but that begs the question: If you are not going to use the tests crafted by the national consortia and you are going to deviate as much as you want from the national standards, why have them at all?

Second, the implementation of national standards and assessments limits Utah's ability to innovate. Any time a state education official seeks to change a strand in the standards or change the test, it will have to get support from the US Department of Education and 40-plus other states and jurisdictions. If a parent has an issue with the standards, you, as a legislator, will have no ability to help them. You will have to suggest that they call a federal 800 number and wait who-knows-how-long for an answer.

And just what does "innovation" mean when one actor (the federal government) controls the standards? What does innovation mean when there is no longer a competition to innovate among states?

States have led the way in education reform. We have made steady gains over time in a way that, frankly, is not seen from the federal government. Utah's own state math standards were rated as at least as good as the Common Core math standards, as more clearly articulated and succinct by the Fordham Institute, one of Common Core's biggest backers. You have done well with your standards—and you can do even better.

Third, the promotion of national standards and assessments by the federal government is illegal. Writing in a paper entitled T*he Road to a National Curriculum*, former USDOE General Counsel Kent Talbert and Deputy General Counsel Robert Eitel write:

> *With only minor exceptions, the General Education Provisions Act ("GEPA"), the Department of Education Organization Act ("DEOA"), and the ESEA, as amended by the No Child Left Behind Act of 2001 ("NCLB"), ban federal departments and agencies from directing, supervising, or controlling elementary and secondary school curriculum, programs of instruction, and instructional materials. The ESEA also protects state prerogatives on Title I content and achievement standards.*

The Department has used discretionary grants to herd state education authorities into adopting national standards and tests. Talbert and Eitel

contend that conditional waivers to NCLB offered by U.S. Secretary of Education Arne Duncan have never been approved by Congress. Past secretaries of the federal department of education have granted waivers, but never with a unilateral, material change to federal law. Moreover, the recent announcement of a new round of Race to the Top for districts includes the advancement of Common Core. Finally, the two consortia receiving over $300 million in federal funds include in their funding applications explicit recognition that they would develop curricular materials and instructional practice guides.

These two distinguished attorneys note that the US Department of Education is therefore likely violating the aforementioned three federal laws.

While Secretary Duncan's statement in a letter of March 7th to Superintendent Larry Shumway that the State of Utah has "complete control of Utah's learning standards" may be true on paper (and given that date), Utah's waiver from NCLB in June, potential impacts on future federal funding, and the announcement of a new round of Race to the Top for districts, all suggest that Utah's complete control is much more tenuous than the Secretary's good letter states.

Utah—and the country—are at a critical juncture, a decision point.

Finally, Utah has adopted the national standards and assessments without adequate deliberation. You, like legislators across the country, are only now debating this issue, after the fact, because Common Core was advanced as an end-run around state legislatures. When *Race to the Top* was announced in the depths of a recessionary 2009, the federal department emphasized that states adopting national standards would be viewed favorably in funding decisions. As Stotsky notes in her testimony:

> *... the Utah State Board of Education did not provide a full public discussion before it voted to move control of the curriculum from local school boards to a distant federal bureaucracy.*
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> *The USBE tentatively approved the standards two days after they were published (June 4, 2010) to make a U.S. Department of Education deadline of August 2 and then approved them on August 6, 2010.*

They were not "thoroughly" vetted. Developing and vetting standards takes time. When states advance new standards, the process of holding public meetings and hearings, which includes developing and deliberating on various drafts, usually requires well over a year.

Not only did the federal government truncate its public comment and other important processes meant to uphold the public trust, but so did the Utah State Board of Education.

What the legislature can do. The legislature has a role here because the board of education's decisions on learning standards have an impact on *the public purse*. The legislature also has an interest in *ensuring an open and public vetting of the standards*. Our empirical work gives me confidence that, given a proper vetting, the legislature and the state board would agree that the Common Core is deficient in ways described above.

A handful of states have said "no" to Common Core national standards and tests. I urge you not only to say "no" to Common Core—which is a matter of prudence regarding the state's future and its purse—but also to use the opportunity of this debate to move forward with positive improvements to Utah's previous state math and reading standards and assessments. As Dr. Stotsky states in her testimony,

> *If Utah negates its adoption of Common Core's English language arts standards, I volunteer to help Utah develop a first class set of ELA standards.*

Her work helped guide Massachusetts from above average nationally to become the top-performing state in the nation. That is what Utah's students deserve rather than mediocre national standards.

About Pioneer

Pioneer Institute is an independent, non-partisan, privately funded research organization that seeks to improve the quality of life in Massachusetts through civic discourse and intellectually rigorous, data-driven public policy solutions based on free market principles, individual liberty and responsibility, and the ideal of effective, limited and accountable government.

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