



Lamar Alexander of Tennessee - Chairman

The Every Child Achieves Act: Common Core & State Standards

MYTH VS. FACT

MYTH: The Every Child Achieves Act does not end the Common Core mandate.

FACT: FALSE. In **addition** to the prohibitions on federal interference with state standards, the bill includes specific prohibitions against any federal coercion or mandate on Common Core. Conservative organizations and long-time critics of the Common Core, including the Home School Legal Defense Association, support these bill provisions prohibiting the use of federal government dollars to incentivize states into adopting the Common Core.

Language from the HELP Committee-reported bill:

Page 96- Section 1111(e):

“(e) Voluntary Partnerships.—

...

“(2) PROHIBITION.—The Secretary shall be prohibited from requiring or coercing a State to enter into a voluntary partnership described in paragraph (1), including—

“(A) as a condition of approval of a State plan under this section;

“(B) as a condition of an award of Federal funds under any grant, contract, or cooperative agreement;

“(C) as a condition of approval of a waiver under section 9401; or

“(D) by providing any priority, preference, or special consideration during the application process under any grant, contract, or cooperative agreement.

Page 792-794 – Section 9527(a)(1)(B) and (C):

“(1) IN GENERAL.—Nothing in this Act shall be construed to authorize an officer or employee of the Federal Government, through grants, contracts, or other cooperative agreements (including as a condition of any waiver provided under section 9401) to—

...

“(B) incentivize a State, local educational agency, or school to adopt any specific instructional content, academic standards, academic assessments, ... including by

providing any priority, preference, or special consideration during the application process for any grant, contract, or cooperative agreement that is based on the adoption of any specific instructional content, academic standards, academic assessments, ...; or

“(C) make financial support available in a manner that is conditioned upon a State, local educational agency, or school’s adoption of any specific instructional content, academic standards, academic assessments, curriculum, or program of instruction (such as the Common Core State Standards developed under the Common Core State Standards Initiative, any other standards common to a significant number of States, or any specific assessment, instructional content, or curriculum aligned to such standards).

*** *** ***

MYTH: The Every Child Achieves Act allows for federal involvement in state standards.

FACT: FALSE. The bill explicitly prohibits any federal involvement with State standards. The HELP Committee incorporated language from bills introduced by Sen. Pat Roberts and Sen. David Vitter that prevents the Secretary from reviewing state standards, interfering with state or local decisions about standards (or curriculum), or directing the supervision of any specific standards.

State standards will once again be a state decision when the bill passes into law.

Language from the HELP Committee-reported bill:

Page 35-36 – Section 1111(b)(1)(G):

“(G) PROHIBITIONS.—

“(i) STANDARDS REVIEW OR APPROVAL.—A State shall not be required to submit any standards developed under this subsection to the Secretary for review or approval.

“(ii) FEDERAL CONTROL.—The Secretary shall not have the authority to mandate, direct, control, coerce, or exercise any direction or supervision over any of the challenging State academic standards adopted or implemented by a State.

Page 60 - Section 1111(b)(6):

“(6) PROHIBITION ON FEDERAL INTERFERENCE WITH STATE AND LOCAL DECISIONS.—Nothing in this subsection shall be construed to permit the Secretary to establish any criterion that specifies, defines, or prescribes—

“(A) the standards or measures that States or local educational agencies use to establish, implement, or improve challenging State academic standards, including the content of, or achievement levels within, such standards;

Page 792-793 – Section 9527(a)(1)(A):

“(a) General Prohibition.—

“(1) IN GENERAL.—Nothing in this Act shall be construed to authorize an officer or employee of the Federal Government, through grants, contracts, or other cooperative agreements (including as a condition of any waiver provided under section 9401) to—

“(A) mandate, direct, or control a State, local educational agency, or school’s curriculum, program of instruction, instructional content, specific academic standards or assessments, or allocation of State or local resources, or mandate a State or any subdivision thereof to spend any funds or incur any costs not paid for under this Act.

*** *** ***

MYTH: The Secretary of Education has the ability to require states to submit state standards for approval.

FACT: FALSE. A Secretary is prohibited from requiring states to submit their academic standards to the Secretary for review or approval in order to receive federal funding under the bill. They will only present evidence that they meet the letter of the law. The Secretary is explicitly prohibited from making states change any element of the state’s standards as a condition of approval.

Language from the HELP Committee-reported bill:

Page 25 – Section 1111(a)(6):

“(6) LIMITATIONS.—

“(A) IN GENERAL.—The Secretary shall not have the authority to require a State, as a condition of approval of the State plan or revisions or amendments to the State plan, to—

“(i) include in, or delete from, such plan 1 or more specific elements of the challenging State academic standards;

Page 794-795 – Section 9527(c):

“(c) Prohibition on Requiring Federal Approval or Certification of Standards.—

“(1) IN GENERAL.—Notwithstanding any other provision of Federal law, no State shall be required to have academic content or academic achievement standards approved or certified by the Federal Government, in order to receive assistance under this Act.

*** *** ***

MYTH: The Secretary of Education has unfettered authority to deny a state’s plan for any reason.

FACT: FALSE. Under the bill, states are required to submit state plans to the Secretary describing what the state will do with the Federal money for which it is applying. This

plan will be made publicly available to inform parents how taxpayer dollars are being spent, and to provide parents and other community stakeholders the opportunity to provide input into the contents of the plan. Under the bill, parents must be consulted, along with other individuals, in the development of the Title I state plan. But the Secretary’s authority to approve and disapprove plans is very limited. The Every Child Achieves Act is deferential to states in the approval process. The bill is clear that state plans are deemed as approved within 90 days of submission, unless the Secretary determines the plan does not meet the requirements of the law. The Secretary cannot impose any requirements on state plans beyond what is specifically stipulated in the law. In this situation, the Secretary must complete several actions before a plan can ultimately be disapproved, including providing a justification for, and substantial evidence of, non-compliance, an opportunity for a public hearing, and a chance to revise and resubmit the plan.

Language from the HELP Committee-reported bill:

Page 20-25 – Section 1111(a)(3):

“(3) PEER REVIEW AND SECRETARIAL APPROVAL.—

“(A) IN GENERAL.—The Secretary shall—

...

“(v) deem a State plan as approved within 90 days of its submission unless the Secretary presents substantial evidence that clearly demonstrates that such State plan does not meet the requirements of this section.

“(4) STATE PLAN DETERMINATION, DEMONSTRATION, AND REVISION.—If the Secretary determines that a State plan does not meet the requirements of this subsection or subsection (b) or (c), the Secretary shall, prior to declining to approve the State plan—

“(A) immediately notify the State of such determination;

“(B) provide a detailed description of the specific requirements of this subsection or subsection (b) or (c) of the State plan that the Secretary determines fails to meet such requirements;

“(C) provide all peer review comments, suggestions, recommendations, or concerns in writing to the State;

“(D) offer the State an opportunity to revise and resubmit its plan within 60 days of such determination, including the chance for the State to present substantial evidence to clearly demonstrate that the State plan meets the requirements of this section;

“(E) provide technical assistance, upon request of the State, in order to assist the State to meet the requirements of this subsection or subsection (b) or (c); and

“(F) conduct a public hearing within 30 days of such resubmission, with public notice provided not less than 15 days before such hearing, unless the State declines the opportunity for such public hearing.

“(5) STATE PLAN DISAPPROVAL.—The Secretary shall have the authority to disapprove a State plan if the State has been notified and offered an opportunity to revise and submit with technical assistance under paragraph (4), and—

“(A) the State does not revise and resubmit its plan; or

“(B) the State revises and resubmits a plan that the Secretary determines does not meet the requirements of this part after a hearing conducted under paragraph (4)(F), if applicable.

Lastly, the Secretary cannot condition approval of a State plan upon adoption of conditions, requirements, or criteria that are not explicitly authorized under law, as has been increasingly done under the Obama administration with Race to the Top and state waivers.

Importantly, the Secretary is prohibited from making states change any specific elements of the state’s standards as a condition of approval, and cannot add new conditions, requirements, or criteria for approval that are not otherwise authorized under the law.

Language from the HELP Committee-reported bill:

Page 25-28 – Section 1111(a)(6):

“(6) LIMITATIONS.—

“(A) IN GENERAL.—The Secretary shall not have the authority to require a State, as a condition of approval of the State plan or revisions or amendments to the State plan, to—

“(i) include in, or delete from, such plan 1 or more specific elements of the challenging State academic standards;

“(ii) use specific academic assessment instruments or items;

“(iii) set specific State-designed annual goals or specific timelines for such goals for all students or each of the categories of students, as defined in subsection (b)(3)(A);

“(iv) assign any specific weight or specific significance to any measures or indicators of student academic achievement or growth within State-designed accountability systems;

“(v) include in, or delete from, such a plan any criterion that specifies, defines, or prescribes—

“(I) the standards or measures that States or local educational agencies use to establish, implement, or improve challenging State academic standards, including the content of, or achievement levels within, such standards;

“(II) the specific types of academic assessments or assessment items that States and local educational agencies use to meet the requirements of this part;

“(III) any requirement that States shall measure student growth, the

specific metrics used to measure student academic growth if a State chooses to measure student growth, or the specific indicators or methods to measure student readiness to enter postsecondary education or the workforce;

“(IV) any specific benchmarks, targets, goals, or metrics to measure nonacademic measures or indicators;

“(V) the specific weight or specific significance of any measure or indicator of student academic achievement within State-designed accountability systems;

“(VI) the specific annual goals States establish for student academic achievement or high school graduation rates, as described in subclauses (I) and (II) of subsection (b)(3)(B)(i);

“(VII) any aspect or parameter of a teacher, principal, or other school leader evaluation system within a State or local educational agency; or

“(VIII) indicators or specific measures of teacher, principal, or other school leader effectiveness or quality; or

“(vi) require data collection beyond data derived from existing Federal, State, and local reporting requirements and data sources.

“(B) **RULE OF CONSTRUCTION.**—Nothing in this paragraph shall be construed as authorizing, requiring, or allowing any additional reporting requirements, data elements, or information to be reported to the Secretary not otherwise explicitly authorized under Federal law.

MYTH: By having states align K-12 standards to relevant state career and technical education standards and relevant state early learning guidelines, all states will be forced to adopt the same standards, and the federal government will control all standards at all levels of education.

FACT: *FALSE*. The bill actually strengthens state control over standards and **prevents** federal interference in state standards. The bill requires that state academic standards be aligned with entrance requirements for the system of public higher education in the state, relevant state career and technical education (CTE) standards, and relevant state early learning guidelines.

States are solely responsible for the development of these standards, and all states already have entrance requirements for public colleges and universities, CTE standards, and early learning guidelines through requirements in other federal laws. In no states are these items identical.

The Every Child Achieves Act allows states to coordinate these efforts across different levels of education to reduce bureaucracy within states, but the Secretary cannot

intervene with or control these requirements in the bill, or through other existing federal laws.

Section 8(c) of Carl D. Perkins Career and Technical Education Act

SEC. 8. [20 U.S.C. 2306a] PROHIBITIONS.

“(c) PROHIBITION ON REQUIRING FEDERAL APPROVAL OR CERTIFICATION OF STANDARDS.— Notwithstanding any other provision of Federal law, no State shall be required to have academic and career and technical content standards or student academic and career and technical achievement standards approved or certified by the Federal Government, in order to receive assistance under this Act.

Section 658E (c)(2)(T)(iv) of the Child Care and Development Block Grant

“(T) EARLY LEARNING AND DEVELOPMENT GUIDELINES.—

“(iv) NO FEDERAL CONTROL.—Nothing in this section shall be construed to authorize an officer or employee of the Federal Government to—

“(I) mandate, direct, control, or place conditions (outside of what is required by this subchapter) around adopting a State’s early learning and developmental guidelines developed in accordance with this section;

“(II) establish any criterion that specifies, defines, prescribes, or places conditions (outside of what is required by this subchapter) on a State adopting standards or measures that a State uses to establish, implement, or improve such guidelines, related accountability systems, or alignment of such guidelines with education standards; or

“(III) require a State to submit such guidelines for review.

*** *** ***

MYTH: The Every Child Achieves Act permanently cements Common Core in states by requiring that state standards ensure that all children who graduate from high school are prepared for postsecondary education or the workforce without the need for remediation.

FACT: *FALSE*. In addition to ending the mandates that exist around Common Core, the bill provides flexibility for states to develop different standards of their choosing that prepare students for future education or the workforce. In fact, several states that are not implementing the Common Core already have standards that meet this criteria, including Virginia, Alaska, South Carolina, Indiana, Oklahoma, and Texas.

For more information about the *Every Child Achieves Act* please contact Lindsay Fryer at lindsay_fryer@help.senate.gov or Peter Oppenheim at peter_oppenheim@help.senate.gov or call 202-224-6770.