

August 4, 2015

Representative David Wood  
Chairman, Joint Education Committee

Cc: Senator Kurt Schaefer, Representative Kurt Bahr, Senator Ed Emery, Speaker Todd Richardson, Senate Pro Temp Dempsey, Kevin Gwaltney, Ph.D., Executive Director JEC

RE: This is to request that the following actions be taken prior to the August 26, 2015 meeting of the Joint Committee on Education: (1) withdraw the agenda item to hear testimony from workgroup chairs and replace with an initiative to conduct a cost analysis of the implementation of the Common Core State Standards Initiative (CCSSI) in Missouri; (2) if the committee wishes to hear the testimony of the workgroup chairs that, in addition to initiating a cost analysis, invitations to speak at the hearing scheduled for August 26, 2015 be extended to all members of the work groups so as to reduce the potential of bias and increase accuracy of information shared with committee members.

Chairman Wood,

A Missouri Times article, dated July 8, 2015, reported that as chair of the Joint Committee on Education, you have scheduled a hearing of chairpersons of academic work groups constituted by HB 1490 to determine decisions about the work of those groups.<sup>1</sup> The article stated that the committee would not hold public hearings, however, you were quoted as saying that only the chair of each work group committee would be invited to attend the August meeting. We have several concerns regarding this statement.

First, although HB 1490 Sec.60.514. 4 lines 76-78 state, "The state board of education shall also solicit comments and feedback on the academic performance standards or learning standards from the joint committee on education . . . , it does not stipulate the type of feedback the joint committee should give. A review of RsMO 160.254 that gives statutory authority to form the joint committee on education and designates its functions, describe the functions as providing oversight of costs and feasibility studies associated with public school systems, rather than input on the content or process of developing academic standards. A consistent application of the role of the joint committee on education would be to investigate the cost and impact of implementation of the CCSSI to school districts in Missouri. To our knowledge, no such study has been conducted, especially with respect to the fact that the current royalty free license of the Common Core State Standards has no guarantee of permanence; nor has there been any acknowledgment of the vulnerability of the state to the potential for transfer of the privately held copyright without input or notice to the licensees. During committee hearings in 2014, Representative Monticello stated that she made attempts to obtain a cost-benefit analysis of the CCSSI in Missouri, but, received no information.

Second, as demonstrated at the April 2015 hearing of the State Board of Education and in the content below, at least one work group chair has been biased in her reporting of work group activity, omitting disclosure of mitigating circumstances that caused dissension in her work group. Content discovered in email communication between DESE personnel and a subset of the workgroup members discussed below indicates her bias may be attributable to the efforts of personnel at the

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<sup>1</sup> <http://themissouritimes.com/19402/joint-education-committee-prepping-for-scholarship-evaluations-common-core-presentations/>

<sup>2</sup> <http://www.nfoic.org/cost-related-access-challenges-solutions-18-states>

Department of Elementary and Secondary Education (DESE) to control the outcome of the work groups.

Therefore, this is to request the following actions be taken prior to the August 26, 2015 meeting of the Joint Committee on Education: (1) withdraw the agenda item to hear testimony from workgroup chairs and replace with an initiative to conduct a cost analysis of the implementation of the CCSS in Missouri; (2) if the committee wishes to hear the testimony of the workgroup chairs that, in addition to initiating a cost analysis, invitations to speak at the hearing scheduled for August 26, 2015 be extended to all members of the work groups so as to reduce the potential of bias and increase accuracy of information shared with committee members.

### **Supporting Evidence**

Members of the Missouri Coalition Against Common Core filed a Freedom of Information Act request (FOIA) for communication between DESE personnel, ELA work group members, legislators and facilitators from May 1, 2014 through May 1, 2015. At first, we were informed that the cost of procuring the e-mails was \$5,000. The charging of exorbitant fees in an apparent maneuver to obstruct citizen review of public services was described in a March 13, 2015 AP article, *Cost-related access challenges, solutions in 18 states.*<sup>2</sup> Our solution to overcoming this obstruction was to file the FOIA through a cooperative legislator.

A review of just a sample of the e-mails confirmed that,

- (1) DESE personnel sought to nullify the intent of HB 1490 by actively seeking consultation and financial support from out-of-state and federally funded organizations dedicated to the implementation of the common core state standards;
- (2) DESE personnel sought external funding and misused federal funds to circumvent the intent of the legislation and hire facilitators to implement DESE's agenda and distribute DESE prepared materials; and
- (3) DESE personnel sought public media coverage of the disruption within an English language arts work group caused by a non-qualified member who had misrepresented his qualifications and his impartiality on the issue of Common Core in order to secure an appointment by then Speaker of the House Tim Jones.

Please note the following points and supporting e-mail content:

(1) DESE personnel sought consultation and financial support from out-of-state and federally funded organizations dedicated to the implementation of the Common Core State Standards. From the outset, after the passage of HB1490, but before the Governor signed the bill, DESE actively pursued the counsel, services, and financial support of out-of-state organizations and individuals that administratively and financially support implementation of the Common Core State Standards. Organizations include the Washington, DC-based Center on Enhancing Early Learning Outcomes (CEELO)<sup>3</sup>; the National Institute for School Leadership (NISL)<sup>4,5</sup>; the federally funded California

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<sup>2</sup> <http://www.nfoic.org/cost-related-access-challenges-solutions-18-states>

<sup>3</sup> CEELO @ National Institute for Early Education Research Rutgers, The State University of New Jersey 73 Easton Avenue New Brunswick, NJ 08901-1879

<sup>4</sup> <http://www.nisl.net/foundation-support/>

<sup>5</sup> NISL is organized and funded by Marc Tucker's National Center for Education and the Economy. Tucker served on the Common Core English Language Arts Feedback Committee, and has lobbied for the transformation of schools from institutions of education to workforce development for over three decades.

based Center on Standards and Assessment Implementation (CSAI)<sup>6</sup> and the Central Comprehensive Center (C3)<sup>7</sup> at the University of Oklahoma to control the work group standards development process.

For example, below is an e-mail from Ellen Balkenbush of the University of Oklahoma to DESE personnel, that includes an agenda for a later discussion with Sujie Chin, Director of Research for the Assessment & Standards Development Services (ASDS) program at WestEd in California, to discuss how to structure work group facilitation for the desired outcome.

**From** Balkenbush, Ellen K.  
**Date** Tuesday, June 24, 2014 1:37 PM  
**To** Franklin, Melia; Ellis, Jeremy (DESE); Muenks, Michael; Rehak, Janice  
Conference call related to Review of MO Learning Standards

Good afternoon All-

I am putting together a conference call with Sujie Chin of the Center on Standards and Assessment Implementation(CSAI) to have a conversation around her expertise and experience that might be helpful in preparing us for the upcoming faciliation (sic) of workgroups to review the MO Learning Standards (1490).

She has just completed similar work with the state of Indiana (and others), so I am thinking she may have some great insights for us.

#### AGENDA

**Central Comprehensive Center (C3)/  
Missouri Department of Elementary and Secondary Education (DESE)/  
Center on Standards and Assessment Implementation (CSAI)  
Student Learning Standards (Missouri House Bill [HB] 1490)  
Planning Conference Call  
July 7, 2014  
8:30 – 9:30 a.m. CT**

<b>Purposes</b>	<ul style="list-style-type: none"><li>• Identify DESE’s needs in addressing the review of the Missouri State Standards as required by HB 1490.</li><li>• Develop a plan to provide technical assistance, facilitation, and support.</li></ul>
<b>Expected Outcomes</b>	<ul style="list-style-type: none"><li>• Identification of potential challenges</li><li>• Effective and efficient plan for facilitation of HB 1490 work groups, protocols, dates, and necessary materials</li><li>• Next steps</li></ul>

<sup>6</sup> <http://www.csai-online.org/about>

<sup>7</sup> <http://c3ta.org/>

Time	Item	Presenter
8:30 a.m.	Introductions and purpose of meeting	Ellen Balkenbush, C3 Missouri Technical Assistance (TA) Liaison
8:40	Discussion <ul style="list-style-type: none"> <li>• Overview of Missouri HB 1490 requirements</li> <li>• Insights/lessons learned from similar work in other states</li> <li>• Discussion of facilitation               <ul style="list-style-type: none"> <li>○ Dates</li> <li>○ Potential conflicts</li> <li>○ Training/preparation</li> <li>○ Protocols</li> <li>○ Materials</li> <li>○ Next steps</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Sharon Helwig, DESE Assistant Commissioner</li> <li>• Sujie Shin, CSAI Assistant Director</li> <li>• All participants</li> </ul>
• 9:30	• Adjourn	

(2) DESE sought external funding to circumvent the intent of the legislation and hire facilitators to implement DESE’s agenda and distribute DESE prepared materials. HB 1490 neither required nor implied that DESE personnel actively participate in the standards development process as agents of the state of Missouri; and, though Section 160.526. 3 specified the qualifications of workgroup members and authorized only members to develop Missouri’s academic standards in four subject areas, DESE sought funds from NISL to contract and actively work with hand-picked facilitators and certain work group members between work group meetings to develop strategies designed to “shape the House Bill 1490 work groups,” that is, to interfere in the work of the groups and keep discussions and decisions of the groups in favor of keeping the privately copyrighted Common Core Standards.

Note in the e-mail between Melia Franklin and Michael Muenks and Teri Longley (below) that Ms. Franklin asks for financial support only for the expenses associated with hiring trained facilitators. She does not mention covering the expenses of Missouri teachers or citizens who are providing a public service to the state in an effort to develop academic learning standards in public domain. The succeeding e-mails verify that the intent of DESE is only to fund hired facilitators and note-takers, making no effort to reimburse teachers or citizens, thereby, discriminating against them.

**From:** Helwig, Sharon  
**Sent:** Tuesday, August 26, 2014 3:07 PM  
**To:** LePage, Shari  
**Subject:** Question

Shari,

As we’re getting logistics for these work groups put together for HB 1490, we’re going to run into 80-90 thousand quickly. I talked briefly with Andy about whether or not we might try for a supplemental budget request. Is that a possibility? Initially, when we talked in ELT, we just said we wouldn’t be able to pay for the participants and I was going

to get our regional Technical Assistance Center (MC3) to pay for facilitators. But, now, MC3 can't find anyone who's not joined at the hip with Common Core, and we need to pay for people to make this happen.

So, I will talk to ELT tomorrow about this. But wanted to alert you as well. We could probably piece together money from curr, assessment (although it's really not assessment), but that would take a huge chunk of what little we get for curriculum.

**From:** Franklin, Melia

**Sent:** Wednesday, September 03, 2014 9:23 PM

**To:** Muenks, Michael; Longley, Teri

**Cc:** Balkenbush, Ellen K.; Helwig, Sharon; Ellis, Jeremy (DESE)

**Subject:** HB1490 aid

Hello,

In order to best build capacity of those serving in Missouri's Department of Elementary and Secondary Education, the Office of College and Career Readiness is seeking the aid and input of NISL (National Institute of School Leaders) certified trainers to shape the House Bill 1490 workgroup sessions.

We are respectfully requesting that C3, dedicated to supporting such capacity, support these efforts financially. Attached is a spreadsheet enumerating the expenses DESE will encounter as a result of these meetings.

Thank you for taking this proposal into consideration.

Melia Franklin, Ed.D. | Director of English Language Arts | Office of College and Career Readiness

**From** Ellis, Jeremy (DESE)

**Date** Thursday, September 04, 2014 8:51 AM

**To** 'Jay Roth'

**Subject** RE: Digital Library probs AGAIN

We talk you listen! Just kidding.

We will discuss 1490 and what we are attempting to do with the committees. We will go over the logistics and agenda for the initial meeting. We discussed Do's and Don'ts with the committees. We discussed some worst case scenarios and how we may react if they happen. We have a PowerPoint presentation that will be used in all 8 groups as an introduction to standards. We will go over it and ask for your input.

We had some great feedback from the first group we had in last week.

Jeremy Ellis | Director of Mathematics | Office of College and Career Readiness

**From:** Mike Price  
**Sent:** Monday, November 03, 2014 12:23 PM  
**To:** LePage, Shari  
**Subject:** common core meetings

Shari – I'm guessing you've seen this - [http://www.stltoday.com/news/local/department-appointed-facilitators-note-takers-paid-per-replacement-common-core/article\\_aedf9544-3a81-51f1-97a8-e198229cdf9d.html](http://www.stltoday.com/news/local/department-appointed-facilitators-note-takers-paid-per-replacement-common-core/article_aedf9544-3a81-51f1-97a8-e198229cdf9d.html)

Can you give me a breakdown of the approps used/funds spent for these note takers and facilitators? Thanks.

Michael Price  
Director - House Appropriations  
B-20, State Capitol

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The following e-mail indicates that DESE personnel appear to have misappropriated federal Title II funds to cover costs associated with facilitators and notetakers who would exercise control over the work groups. The public is repeatedly told that standards are not curriculum<sup>8</sup>; however, Dr. Sharon Helwig verifies that control of the work groups constituted for the development of Missouri's academic standards would be financed through funds dedicated to the development of curriculum.

**From** Beck, Andrea  
**Date** Tuesday, November 04, 2014 12:25 PM  
**To** Muenks, Michael  
**Subject** FW: common core meetings

Michael, you are using Title II or assessment funds, right?

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**From:** Helwig, Sharon  
**Sent:** Tuesday, November 04, 2014 9:32 AM  
**To:** Lankford, Ronald  
**Subject:** RE: common core meetings

We have used Title II funds allotted to curriculum for this.

Sharon (Hoge) Helwig, Ph.D. | Assistant Commissioner | Office of College and Career Readiness

(3) Persons and personnel associated with DESE caused conflict within the ELA work group and sought public media coverage of the disruption. The e-mail immediately below verifies that Mr. Nick Kremer was associated with DESE and he has been the primary instigator of conflict within the academic standards workgroup; and that DESE Communications Coordinator, Sarah Potter,

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<sup>8</sup> <http://cfelmlee.edublogs.org/2013/07/26/common-core-standards-and-smarter-balanced-assessment/>

contacted newspaper reporters to publicize the conflict and discredit the work of the groups. Nick Kremer, who had previously very publicly supported the Common Core Standards on behalf of DESE and went to far as to call those who opposed them “crazy”<sup>9</sup>, was a major focus of conflict in the ELA 6-12 work group. Note in the e-mail immediately below, dated just before the passage of HB 1490, Mr. Kremer describes his association with DESE’s former Director of English Language Arts, Diane Audley, and his commitment to maintaining Common Core Standards as Missouri Learning Standards. Also, note in the follow-up e-mail, the confirmation of DESE’s current Director of English Language Arts, Melia Franklin, to maintaining the Common Core ELA standards.

**From:** Nick Kremer  
**Sent:** Monday, May 05, 2014 11:01 AM  
**To:** Julie Knernschild; Franklin, Melia; Helwig, Sharon  
**Cc:** Leslie Trogdon  
**Subject:** RE: SB 815

Sharon/Melia/Sharon,

We have and continue to be actively working in Columbia to rally teachers in opposition to the standards revision aspects of SB 815/HB 1390 highlighted below, but in the unfortunate event that a final bill with those provisions does indeed become law, I want to be the first to volunteer to serve on the ELA standards committee. If we cannot get the full legislature to put politics aside long enough to sensibly understand the merits of the existing standards and the significant setbacks that revising them would cause, than I am cautiously optimistic that the case can be made and won at the committee level.

I served on Diane Audsley’s Missouri Core Academic Standards transition team several years ago and have been vocally and passionately advocating in favor of the standards throughout the state ever since. Under my leadership, Columbia Public Schools has designed and been implementing its own SBAC-inspired interim assessment system for the past two years. I am articulate, political-savvy, and fully-committed to the standards. If push comes to shove, help me help us all... :-)

And in the meantime, please don’t hesitate to let me know how I can be of greater assistance in the fight at-hand!

Sincerely,  
Nick Kremer  
Coordinator of Language Arts 6-12  
Coordinator of Social Studies K-12  
Columbia Public Schools

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<sup>9</sup> <https://youtu.be/Y3OrwfVTTsk>; education.missouri.edu/orgs/mper/files/OpCoMinutes011520131.doc

**From** Franklin, Melia  
**Date** Monday, May 05, 2014 2:57 PM  
**To** 'Nick Kremer'  
**Subject** RE: SB 815

Nick,

Please know that you'll be on the top of the list, should push come to shove. I don't know the degree to which we (DESE) will have a voice in who may be selected for the committees, but any man who'd name his son Atticus is A-#1 in my book.  
Thanks for your support and for staying the course!

Melia Franklin, Ed.D. | Director of English Language Arts | Office of College and Career Readiness

**From** Potter, Sarah  
**Date** Tuesday, December 02, 2014 8:31 AM  
**To** McKinney, Roger; rkeller@columbiatribune.com  
**Subject** FW: Read this ASAP!

Roger or Rudi,

I thought you might be interested in the situation happening this morning in the 6-12 English language arts standards setting meeting. A Columbia Schools employee and curriculum person, Nick Kremer, is being removed by Speaker Tim Jones after he appointed him to the committee. There was no mechanism in HB 1490 to remove work group members, but he is trying. You can see Nick's emails below on the situation.

We'd appreciate if someone from the Columbia Tribune could cover this. Email me with questions. I'll be in a meeting this morning.

The meeting is in the 5th floor conference room at 205 Jefferson Street in Jefferson City. Let me know if you're coming.

Thanks,  
Sarah Potter | Communications Coordinator

**From:** Nick Kremer [mailto:NKremer@cpsk12.org]  
**Sent:** Monday, December 01, 2014 11:11 PM  
**To:** Franklin, Melia; Helwig, Sharon  
**Subject:** Read this ASAP!

Melia/Sharon,

Major FYI (and apologies for the short notice!):

I have it on reliable authority that the Speaker will be issuing a statement tomorrow morning that officially declares his removal and replacement of me on our committee; he



will be calling into question my years of experience as a source of legitimacy for his actions. My replacement is expected to be in attendance at our meeting. I have been informed that the Speaker also intends to send staff members and Capital police to our meeting room to help ensure his desired outcome.

We start at 8:00 AM. I have to be at a meeting in Columbia until 9:00, but I believe that my committee is going to vote to disregard the Speaker's actions until a court of law establishes he has the authority to make them (as the bill does not explicitly give him that power). **Some media outlets have been notified of the fireworks that are likely to ensue.** Assuming all goes well, I plan to head down mid-morning...

- Nick

**From** Potter, Sarah  
**Date** Tuesday, December 02, 2014 10:35 AM  
**To** AStuckey-at-post-dispatch.com  
**Subject** Nick Kremer

Alex,

Here is the situation. Columbia Schools employee and curriculum person, Nick Kremer, is being removed by Speaker Tim Jones after he appointed him to the committee. There was no mechanism in HB 1490 to remove work group members, but he is trying. You can see Nick's emails below on the situation.

We'd appreciate if someone from the Post could cover this. Email me with questions. I'll be in a meeting this morning.

The meeting is in the 5<sup>th</sup> floor conference room at 205 Jefferson Street in Jefferson City. Let me know if you're coming

Thanks,  
Sarah Potter | Communications Coordinator

**From:** Potter, Sarah  
**To:** McKinney, Roger; Keller, Rudi  
**Subject:** FW: Read this ASAP!  
**Importance:** High  
Roger or Rudi,

**I thought you might be interested in the situation happening this morning in the 6-12 English language arts standards setting meeting.** A Columbia Schools employee and curriculum person, Nick Kremer, is being removed by Speaker Tim Jones after he appointed him to the committee. There was no mechanism in HB 1490 to remove work group members, but he is trying. You can see Nick's emails below on the situation.

We'd appreciate if someone from the Columbia Tribune could cover this. Email me with questions. I'll be in a meeting this morning.

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Thanks,  
Sarah Potter | Communications Coordinator

A final concern -- you are quoted in the Missouri Times as saying, "If we drastically change standards and everything, you're looking at a significant burden for our teachers." Chairman Wood, the "sunken cost fallacy" to which you refer is far more dangerous than a temporary burden on our teachers and schools which the citizens of Missouri did not instigate. A far greater concern is the loss of Missouri's control over education of its citizens due to the potential transfer of the copyright of the Common Core State Standards held by non-governmental organizations not accountable to Missourians, or the uncontrolled costs associated with the royalty that for now is free, but that cost is not guaranteed in perpetuity. Recall that the State Board of Education never produced a cost-benefit analysis. Also, be aware that education publishing companies such as Pearson and McGraw Hill Education have been suffering profit losses consistently for several quarters, and will be positioning to ensure their solvency with public tax dollars spent on implementation of the CCSSI.

## Summary

As stated in our concerns and shown in the e-mails above, DESE and persons associated with DESE's agenda to implement the Common Core State Standards Initiative have deliberately worked to ensure that the intent of HB1490 to *develop* academic standards in the public domain is denied and the status quo, that is implementing privately copyrighted Common Core State Standards, is maintained. In her latest committee report to the State Board of Education on the progress of the work groups, the chair of the 6-12 English language arts group, Ms. Kari Skeeters, did not report reasons for dissension in her group, omitting egregious violations of protocol and HB1490 and acts of discrimination by DESE. It was during the public hearing portion of the meeting when other group members were allowed to speak that the state board heard evidence about the group's work that the chair did not report.

If you or other members of the Joint Committee on Education make decisions about the Common Core Standards without a report of costs, or have made a decision about the work of the academic standards groups a priori, the intent of HB 1490 is violated and the work of the academic standards work groups could be for naught. Their charge was to protect Missouri's sovereignty over the education of its children and develop quality standards for their subject areas that would make our students college and career ready. They were encouraged to seek outside expertise and consider the work of the Missouri Curriculum Alignment Initiative, not ensure that they were not going to upset too many Missouri teachers with too drastic of changes. Several groups have been moving forward with these instructions. We hope that the Joint Education Committee is respectful of their efforts and the intent and the letter of the law.

Your work to restore accountability of state government to the public is very much appreciated. We respectfully ask that you act on our request prior to the August 26 meeting of the Joint Education Committee so that members of the committee may get a balanced report of costs associated with implementing the CCSSI and the progress of the work groups.

We look forward to supporting your work in the future on our behalf. Please don't hesitate to contact any one of us if you have any questions

Sincerely,

Mary Byrne, Ed.D.  
417-818-1261

Anne Gassel  
636-448-2124

Gretchen Logue  
314-378-6568

Missouri Coalition Against Common Core