March 14, 2017

Governor Greitens

Missouri State Capital

Jefferson City, MO 65101

Dear Governor Greitens,

*This is to request that the Governor review and consider Missouri’s Consolidated State Plan before DESE’s submission of the plan to the U.S. Secretary of Education, and if it does not meet prevent submission of the plan.*

The passage of amendments to Section 8302 of the Elementary and Secondary Education Act (ESEA) of 1965 (currently referred to as 8540 the Every Student Succeeds Act (ESSA)), was signed into law by President Obama in December 2015.[[1]](#footnote-1) Section 8302 requires the top state education official, *after consultation with the Governor*, to submit a consolidated State Education Plan to the U.S. Secretary of Education. According to new rules released this week by the U.S. Department of Education (USED),[[2]](#footnote-2) the state accountability plan can be submitted to the Secretary either using the template provided by the USED *or* in a format that the State Education Agency (SEA) develops in consultation with the Council of Chief State School Officers (CCSSO). We would like to bring these rules to your attention as DESE reported to USED that Missouri’s scheduled submission date is April 3, 2017.[[3]](#footnote-3)

Areas of concern with respect to the development and submission of Missouri’s application are as follows: appropriate consultation with the Governor or his office; use of the formal template provided by the U.S. Department of Education; and accountability of the plan to Missouri citizens and taxpayers in accordance with Section 1111. (a) (1) (A) of the ESSA and in proportion to the funding provided by the people of Missouri.

**Appropriate Consultation With The Governor or His Office**

The federal mandate that the SEA consult with the Governor is stated in SEC. 8540.;NOTE: 20 USC 7920; CONSULTATION WITH THE GOVERNOR.

``(a) In General.--A State educational agency shall consult in a

timely and meaningful manner with the Governor, or appropriate officials

from the Governor's office, in the development of State plans under

titles I and II and section 8302.

``(b) Timing.--The consultation described in subsection (a) shall

include meetings of officials from the State educational agency and the

Governor's office and shall occur--

``(1) during the development of such plan; and

``(2) prior to submission of the plan to the Secretary.

``(c) Joint Signature Authority.--A Governor shall have 30 days

prior to the State educational agency submitting the State plan under

title I or II or section 8302 to the Secretary to sign such plan. If the

Governor has not signed the plan within 30 days of delivery by the State

educational agency to the Governor, the State educational agency shall

submit the plan to the Secretary without such signature.''[[4]](#footnote-4)

It is imperative that the Executive Office review our state plan to understand the commitment DESE proposes for Missouri tax money and school district programming prior to its submission. Missouri must not be committed, as we were with Governor Jay Nixon and the Common Core State Standards Initiative, to programs and regulations that have not had review by our elected legislative officials nor input from parents and taxpayers.

**Use of the Formal Template Provided By The U.S. Department Of Education**

ESSA ‘‘SEC. 1111. STATE PLANS provided a list of entities to be consulted in the development of Consolidated State Plans as stated below:

‘‘(a) FILING FOR GRANTS.—

‘‘(1) IN GENERAL.—For any State desiring to

receive a grant under this part, the State edu

cational agency shall file with the Secretary a plan

that is—

‘‘(A) developed by the State educational

agency with timely and meaningful consultation

with the Governor, members of the State legis

lature and State board of education (if the

State has a State board of education), local

educational agencies (including those located in

rural areas), representatives of Indian tribes lo

cated in the State, teachers, principals, other

school leaders, charter school leaders (if the

State has charter schools), specialized instruct

tional support personnel, paraprofessionals, ad

ministrators, other staff*, and parents*; [*italics added*][[5]](#footnote-5)

CCSSO was not listed as one of the designated entities for consultation, yet it is listed in the March 2017 rules as a potential consultant in the development of such plans. We advise against DESE submitting a plan in consultation with CCSSO as it is a private trade organization, which does not answer to the taxpayers of this state; is a co-owner of the Common Core State Standards copyright; and is funded with $10,000,000 from the main financial supporter of the Common Core State Standards Initiative, the Bill & Melinda Gates Foundation, to support states as they develop and implement Every Student Succeeds Act plans.[[6]](#footnote-6)

If DESE and the State Board of Education develop Missouri’s Consolidated State Plan in consultation with CCSSO, Missouri risks compromising its state sovereignty and charting its own future in the development of education policies and programs that meet the needs of this state and its citizens.

**Accountability of the Plan to Missouri Citizens and Taxpayers**

The March 2017 rules document contains a section that is most concerning because it compels the state to comply with unknown requirements in exchange for dollars. Page 3 of the document states,

In order to receive fiscal year (FY) 2017 ESEA funds on July 1, 2017, for the programs that may be included in a consolidated State plan, and consistent with ESEA section 8302, *each SEA must also submit a comprehensive set of assurances to the Department at a date and time established by the Secretary.* In the near future, the Department *will publish an information collection request that details these assurances*. [*italics added*]

Governor Nixon brought the Common Core State Standards into Missouri in exchange for State Fiscal Stabilization Funds that were awarded by the USED after he agreed to four assurances identified in an MOU with the National Governors Association Center for Best Practices. His unilateral agreement has caused unknown financial and opportunity costs to Missouri and Missouri’s children. We advise that before allowing DESE to submit Missouri’s Consolidated State Plan, you become informed of the details of the assurances on behalf of the people of this state who fund upwards of 90% of Missouri’s public schools with their property taxes.

**Recommendations**

In light of the above concerns, we request that your office:

1. Confirm that you have received the proposed Consolidated State Plan from DESE;
2. Review it to determine whether the groups identified as required consultants in ESSA, such as parents and legislators were meaningfully represented in the development of this plan;
3. Confirm DESE is not consulting with CCSSO for development of Missouri’s plan;
4. If conditions in #2 have not been met or that the SEA intends to submit to the CCSSO for review, withhold your signature and determine a course of action with the State Board of Education.

We thank you for consideration of our concerns. If you should have any questions, please do not hesitate to contact us.

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1. Unless otherwise indicated, citations to the ESEA refer to the ESEA, as amended by the ESSA. [↑](#footnote-ref-1)
2. <https://www.reginfo.gov/public/do/PRAViewIC?ref_nbr=201703-1810-003&icID=225972> [↑](#footnote-ref-2)
3. <https://www2.ed.gov/policy/elsec/leg/essa/essastplannotice.html> [↑](#footnote-ref-3)
4. <https://www.congress.gov/bill/114th-congress/senate-bill/1177/text> [↑](#footnote-ref-4)
5. Individuals serving multiple roles does not meet the intent of representativeness implicit in the law. [↑](#footnote-ref-5)
6. <http://www.gatesfoundation.org/How-We-Work/Quick-Links/Grants-Database/Grants/2016/08/> [↑](#footnote-ref-6)