LOSS OF STATE SOVEREIGNTY & LOCAL CONTROL

Talking Points in Support of HB 616 for Representative Doug Funderburk

Loss of State Sovereignty and local control in Missouri, and in all states that adopted the Common Core State Standards includes loss of control over curricular content, loss of control over costs, and loss of control over personally identifiable information. These losses result from the nexus of three activities of the U.S. Department of Elementary and Secondary Education with the cooperation of the National Governors Association (NGA) of which Governor Nixon is a member; the Council of Chief State School Officers (CCSSO), and Missouri’s Department of Education. These three activities are: (1) the funding, development, and adoption of copyrighted standards that are not controlled by the state of Missouri; (2) funding and development of data collection through the Statewide Longitudinal Data System and through an assessment consortium that has a Memorandum of Agreement to share student level data with the U.S. Department of Education. The consortium contracts with a private corporation, Pearson, to develop test items aligned to the copyrighted standards – thereby, eliminating public review and input into the items; and (3) the weakening of the Congressional act designed to protect student information, the Family Educational Rights and Privacy Act (FERPA).

* The last paragraph of the Memorandum of Agreement signed unilaterally by Governor Nixon in June 2009 that describes the federal role in the agreement reads as follows,

The parties support a state-led effort and not a federal effort to develop a common core of state standards; there is, however, an appropriate federal role in supporting this state-led effort. In particular, ***the federal government can provide key financial support for this effort in developing a common core of state standards and in moving toward common assessments***, such as through the Race to the Top Fund authorized in the American Recovery and Reinvestment Act of 2009. Further, the federal government can incentivize this effort through a range of tiered incentives, such as providing states with greater flexibility to the use of existing federal funds [that is, waivers], supporting a revised state accountability structure, and ***offering financial support for states to effectively implement the standards***. ***Additionally, the federal government can provide additional long-term financial support for the development of common assessments***, teacher and principal professional development, other related common core standards support, and a research agenda that can help continually improve the common core standards over time. ***Finally the federal government can revise and align existing federal education laws*** with the lessons learned from states’ international benchmarking efforts and from federal research.

It’s obvious, that when Governor Nixon signed the memorandum, he knew his adoption of the standards was a vehicle for diminishing state sovereignty over the education of Missouri children, and increasing the overreach of the federal government using stimulus money to bypass state legislatures and local school boards.

* The English and math standards identified in the agreement he signed, *which, at the time, were not even published for examination*, are copyrighted to the NGA and a companion **Washington-based trade organization,** the Council of Chief State School Officers. Copyright ownership is published on the Common Core State Standards website. The newly developed *science standards are copyrighted to Achieve Inc*., another **private Washington-based organization** that partnered with the NGA and CCSSO to develop the standards**. The copyright means that no one in the state of Missouri has authority to change the curriculum standards – not a school board, not DESE, not the governor – no one. Only the copyright holder can change the standards**. *Parents or teachers, whose taxes pay for the education system in this state, having complaints about offensive or inaccurate content* ***have no recourse***. You may find it interesting that as of 2012, our governor was appointed to the Board of Directors of Achieve, – I’ll let you draw your own conclusions.
* Governor Nixon’s signature on the 2009 Memorandum of Agreement with the National Governors Association (NGA) to adopt the Common Core Standards for Missouri was a critical stepping in the ongoing erosion of local control in Missouri education, but more importantly, it is part of a process to erode every American’s constitutional right as an individual to the pursuit of happiness. That is, DESE’s promotion of the Common Core curricular frameworks is an element of a grander federal project. In a National Center for Education Statistics PPt , dated November 16, 2011, **Tom Ogle *of the Missouri Department of Education*** and Clinton Flowers of the Missouri Department of Economic Development presented a timeline of events indicating the Department of Elementary and Secondary Education’s role in collecting student personally identifiable information for the purpose of workforce planning. Excerpts from slides 13 and 14 of that presentation read:
	+ Missouri Formed a P-20 Council (with an Executive Director in 2005).
	+ National Governor’s Association Grant 2007 [was awarded]
	+ DESE [Statewide Longitudinal Data System] SLDS grant funding in 2009
	+ [Workforce Data Quality Initiative] WDQI grant funding in 2010 for December 2010 beginning.
	+ Completed initial research.
	+ Focused on proposed FERPA changes.
	+ ***Drafted an Interagency Memorandum of Understanding (a Show-Me Data Sharing Agreement).***
	+ ***The MOU is currently “in process” for signature by each agency’s legal counsel.***
	+ ***The MOU generally is premised upon FERPA changes coming to reality****.*

The National Data Collection Model for the SLDS says government should collect health records, religion, family voting status, among other concerns.

* What is interesting the Memorandum of Agreement signed by Governor Nixon in 2009 with the National Governors Association states, “. . . the federal government can revise and align existing federal education laws . . ..” The FERPA changes referred to in Ogle’s PPt became a reality in December 2011 when U.S. Secretary of Education, Arne Duncan changed FERPA by executive order as published in the Federal Register.
* The facts that the SLDS has been built over time with grant funding, and that FERPA is weakened, intersect with the fact that the adoption of Common Core Standards through the No Child Left Behind waiver stipulated a specific type of assessment plan -- joining one of two assessment consortia funded by the federal government was the easiest option to meet the waiver requirement. As a member of the Smarter Balanced Assessment Consortium, data collected from Missouri classroom computer terminals will be sent to the Smarter Balanced data management systems. Smarter Balanced has an agreement with the U.S. Department of Education, its funding source, to “produce data that can be used to inform, “. . . determinations of individual principal and teacher effectiveness for purposes of evaluation. . . . and work . . . with the Department to develop a strategy to make student-level data that results from the assessment system available on an ongoing basis for research, including for prospective linking, . . .” (p.3) Now, as digitized data are provided to the U.S. Department of Education through both the LDS and the Smarter Balanced Assessment Consortium, student-level, personally identifiable information can be shared with whomever the federal government designates.
* The Smarter Balanced Assessment Consortium membership is concerning for another reason, that is, because, although Missouri is a governing member, being one of 26 states with an equal vote substantially diminishes control over the material taught and how it is tested, because the test items will be aligned to curricular frameworks over which Missouri’s citizens have no authority.
* Because all aspects of the Common Core Standards, assessments, and instructional materials are privately held, states and school districts will have no control over costs of revisions, updated technological requirements, personnel needed to ensure maintenance of technology, etc.
* The U.S. Dept. of Education, the National Governors Association, and the Council of Chief State School Officers cooperated in using several strategies to eliminate local control of education which include:
	+ Bypassing Congress and state legislature in offering NCLB Waivers to State School Boards and using stimulus funds and incentives to convince Boards to adopt Common Core or College and Career Ready Standards, sight unseen!
	+ Bypassing state legislatures, and directly funding school districts that agree to federal mandates,
	+ Bypassing state legislatures and announcing a plan to pay teachers directly by creating a “Master Teacher Corps” (<http://www.whitehouse.gov/the-press-office/2012/07/17/president-obama-announces-plans-new-national-corps-recognize-and-reward->)

Adoption of the Common Core State Standards effectively removes educational choice and competition since all schools and all districts must use Common Core ‘assessments’ based on the Common Core standards to allow all students to advance in the school system and to advance to higher education pursuits. The chief architect of the English/Language Arts Standards, David Coleman, who never taught a day in a K-12 classroom, is now President of the College Board. His goal is to change college entrance exams to align with knowledge required in the Common Core State Standards. That is, his goal is complete control of the national education system.

As legislators vested with the responsibility to protect the citizens of Missouri, we must ask and answer the following questions about state sovereignty and local control over education:

* If the ongoing costs of Common Core standards are dictated by private trade organizations, and not vetted or controlled by the General Assembly or local school districts, how can we protect the citizens of our state?
* If Common Core standards are copyrighted to private trade organizations and test items controlled by work committees of a consortium comprised of 26 states, how do we as a legislature protect taxpayers and the children of our state?
* If the No Child Left Behind waiver violates three federal laws and is only good for two years, what happens next?
* If the U.S. Secretary of Education bypassed Congress and the Governor and Commissioner of Education bypassed the General Assembly, what kind of control can we maintain over national standards and personally identifiable information of our students, teachers, and other school personnel?

The erosion of state sovereignty and local control perpetrated by Governor Nixon, Commissioner Nicastro, and the U.S. Department of Education forces to act to protect our state sovereignty, local control, and parent rights to be their child’s first and primary educator. I urge you to vote in support of HB 616 and stop the implementation of Common Core State Standards in Missouri.

nces.ed.gov/programs/slds/ppt/.../P20W\_Confidentiality.ppt