

# COMMON CORE: IS IT BEST FOR UTAH CHILDREN?

## RESPONSIBLE CITIZEN SUMMARY

### Background

- Utah adopted Common Core educational standards two years ago.
- Many Utahns question whether those standards are best for our state, for several reasons.

### What's at stake?

- The best interests of Utah students.
- The ability to tailor a child's education to his or her own needs.
- The state's independence to make its own educational decisions.

### What's next?

- Utah should exit Common Core and related agreements.
- If the state wants its own standards, it should work with local experts to develop them.

*Responsible Citizenship*<sup>™</sup>

The needs and best interests of children, not adults, should determine whether Utah continues with Common Core.

Five days a week, Emily goes to her third-grade class at an elementary school in Orem. Because Emily attends a school within a standardized public school system, she studies the same topics, uses the same textbooks, and takes the same tests as most other third-graders in Utah. She gets along pretty well and learns enough to keep up, but, like most children, Emily doesn't quite fit the mold for which the system is designed.

Emily excels in reading because her mother taught her to read before she began formal schooling, but she struggles with math, especially with fractions and long division. While her mother and third-grade teacher do all they can to help Emily improve her math skills and nurture her love for reading, the system marches on without regard to whether Emily is ready, offering little flexibility for addressing her personal needs and interests.

Along with her classmates, Emily must try to learn specific concepts at a specific time to pass state tests aligned with statewide core stan-

dards, regardless of what path or pace of learning is truly best for her. This is a hallmark of standardization. Unfortunately, Emily's story is one that occurs in classrooms around the state every day, and the state's recent decision to adopt Common Core standards may only make the problem worse.<sup>1</sup>

## UTAH AND THE COMMON CORE

On August 6, 2010, the Utah State Board of Education voted unanimously to replace Utah's core K-12 standards with Common Core State Standards developed by the National Governors Association and the Council of Chief State School Officers.

Utah's adoption of Common Core standards and related agreements has recently come under scrutiny from concerned policymakers, parents, and other citizens in Utah. These people have expressed many concerns about the new standards, including whether they are the best possible, whether they represent a loss of state sovereignty and local control, and

whether the process used to adopt them was thorough and appropriate.

State officials and others continue to defend Common Core as a positive step for Utah schools, asserting, for example, that the new standards are more rigorous and easier to use and allow for more collaboration with curriculum and instructional materials.<sup>2</sup>

This diversity of opinions provokes some questions. First and foremost, will Common Core standards lead to better education for children in Utah? After all, the primary purpose of public schools is to serve the needs of children – not teachers, administrators, businesses, the state, or anyone else. Also, is Utah’s participation in Common Core and related agreements opening a door to greater federal intervention in Utah public education and, if so, should Utahns be concerned about it? Should Utah move forward with Common Core standards or find an alternative?

In this report, we seek to provide answers to these questions, based on the facts involved and principles of good governance.

## WHAT ARE EDUCATION STANDARDS?

Standards in public education are specific guidelines for what children should know upon high school graduation to be considered adequately educated, or in the latest terminology, “college-and-career ready.” Typically, standards also delineate what students should know at the end of each grade level. For instance, according to Common Core standards, by the end of fifth grade all students should be able to “[r]ead, write, and compare decimals to thousandths.”<sup>3</sup>

Standards are not curriculum (what to teach to achieve standards), pedagogy (how to teach), or assessments (how to know what students are learning) – they simply provide a guideline or goal of which concepts or skills students should master. However, standards drive and influence curriculum, pedagogy, assessments, instructional materials, accountability systems, and more. Indeed, the primary purpose of standards is to establish guideposts that direct all aspects of schooling toward a defined goal.

## WHAT ARE UTAH’S EDUCATION STANDARDS?

As required by state law,<sup>4</sup> Utah first adopted a policy to require statewide core standards in 1984 “as requisite for graduation from Utah’s secondary schools.”<sup>5</sup> Today, the state has core standards for nearly every subject, from mathematics to science to financial literacy to keyboarding. These standards evolve over time. For example, the state revised its language arts standards in 2003 and then revised standards for mathematics in 2005 and again in 2007 in response to requests to make them internationally benchmarked.<sup>6</sup>

Shortly thereafter, the National Governors Association and the Council of Chief State School Officers began a push for common standards for English language arts and mathematics in cooperation with interested states. In May 2009, the Utah State Board of Education approved and Governor Jon Huntsman Jr. signed a “Memorandum of Agreement” to work toward developing and adopting common standards along with other participating states.<sup>7</sup> In March 2010, a draft of K-12 Common Core standards was released<sup>8</sup> with the final version released on June 2 of that year.<sup>9</sup> Two days later,

the State Board unanimously passed a preliminary motion to adopt the standards and agreed to study them and vote on their final approval at their next meeting.<sup>10</sup> On August 6, 2010, with another unanimous vote, the board formally adopted Common Core as Utah's core standards for English language arts and mathematics. In the meantime, in May 2010, Governor Gary Herbert signed a Memorandum of Understanding for Utah to join the SMARTER Balanced Assessment Consortium (SBAC), a group of states working to develop computer-adaptive assessments aligned with Common Core.

## GUIDING PRINCIPLES FOR EDUCATION STANDARDS

Utah is at a critical decision point. The more time and resources it invests in Common Core and aligned assessments, curriculum, etc., the more challenging and costly it will be to change course. As state officials determine whether to stay with Common Core, we want to make our position clear: Sutherland opposes any form of standardization in Utah schools because it leads to mediocrity and denies many students and families the ability to fulfill their aspirations.

Certainly, goals or standards in schooling can be useful if they help benchmark student progress. The problem with most standards, including Utah's statewide standards since the 1980s, is they become too prescriptive or the application of them is rigid. And the further from the local level that standards and other education policies are established, the more standardized they become.

If Utah does want statewide academic standards, then Sutherland recommends three principles to guide which standards to choose:

- 1. Utah standards should be broad in substance and application in order to preserve a personalized learning environment for each individual student.** Utah standards should be adaptable enough so each student can determine his or her path to meeting those standards with the help of parents and teachers. Standards should not be prescriptive in substance or timing such that they obstruct individualized learning paths or dictate directly or indirectly what curriculum, assessments, and instructional materials need to be used for every school, class, or child.
- 2. Utah standards should be the best possible.** Undoubtedly, no one in Utah – not the governor, state school board, school administrators, teachers, parents, or students – wants or expects anything less than the best for Utah children. No matter who develops Utah standards, they should be the best possible.
- 3. Utah standards should be independent, with the ability to be changed at will.** Utah should be able to revise its standards at any time and in any way or, if necessary, discard and replace them, without undue pressure from groups outside the state. Ideally, standards will not change often, but the state should not have to report to or be beholden to any outside public or private entity for them. The standards should have no obligations attached that would tie down the state education system. Only the needs of students in Utah should dictate state education policy.

Based on these guiding principles, does Common Core measure up? The rest of this report will analyze whether it does.

## ARE COMMON CORE STANDARDS SUFFICIENTLY BROAD IN SUBSTANCE AND APPLICATION TO BE ADAPTED TO EACH INDIVIDUAL STUDENT?

Common Core standards are narrow and will likely perpetuate a one-size-fits-all approach to teaching and learning, which will harm children's learning. The standards outline very specifically what students need to learn and in what grade level. For instance, current mathematics Common Core standards for third graders contain five "domains" and 25 detailed standards.

This framework allows for little variation in devising curriculum, assessment tools, and instructional materials for individual children, whose learning interests and capacities are often unique, and can even change over time. Such rigidity harms children who do not fit the ideal Common Core mold, either by stigmatizing them as "unintelligent" or holding them back from reaching their potential, primarily because adults chose the progression and pace of student learning without regard for children's individual needs and abilities.

As an example, a sixth-grader might benefit from expanding her knowledge of mathematics beyond her current grade level because of her abilities and interests, while being more comfortable at grade level in other subjects, but sixth-grade standards guide how and what her teacher must teach, so she is stuck learning the same concepts at the same pace as all her classmates.

Standards themselves don't prevent teachers from individualizing instruction, and the best teachers will always be able to account for some differences in learning ability and interests, but the whole point of academic stan-

dards like Common Core as part of a common school system is to drive everyone – administrators, teachers, parents, and students – and everything – curriculum, assessments, instructional materials, licensure, etc. – to achieve the same specific goals, at a specific pace, in every subject area for every student. When academic standards are specific, assessment tools must be designed to test student knowledge of those specifics, which means teachers must use a curriculum and instructional materials that will help their students perform well on assessments (teach to the test) rather than adapt teaching to the individual abilities and interests of students.

With such a deliberately organized system, commonness or sameness is valued more than excellence or diversity. When the input into the system is standardized goals, the output is designed to be standardized learning, which brings mediocrity and stagnancy. While some children, with the help of their families, may be creative and persistent enough to achieve excellence within the system, most children will have little mobility and fewer opportunities to excel. We reiterate that this will not occur because these children are stupid, but simply because they are not the cookie-cutter student Common Core envisions, and the prescriptive standards imposed on them do not reflect the pace and progression suited to their innate intelligence.

Standardized learning may produce a controlled and ordered system, which might appeal to some adults, but it does a disservice to children. If we want the highest achievement possible for each student, then we need to let all of them achieve at their highest – which will occur at their own pace and in their own way – not at an arbitrary standard level.

As we wrote last year,

**The current “factory” model of government schooling pushes for “standardization” and accountability to the state. It concentrates power in too few hands and ignores the aspirations and desires of the families and students subordinated to its control. In return, the system produces mediocrity for standardization and, in excuse, the politics of blame.<sup>11</sup>**

The notion that every student needs to know exactly the same concepts in a specific order by a certain age to qualify as “competent” is, more than anything, a remnant of the assembly-line mentality of the industrial era and a convenience-first approach, characterized by prioritizing the ease of teaching mass numbers of students in one sitting over more important factors for individual children. In contrast, a unique learning environment allows students, parents, teachers and school administrators to collaborate in innovative ways to determine the best path to achievement for each student. This path may be different for each student because students have a variety of learning styles, abilities, talents, and interests. Treating each student as a unique learner does not mean zero standards; far from it – each student’s optimal achievement becomes the standard.

Standardization might seem like an acceptable route to pursue if we think it will help us evaluate teacher performance, save money, obtain federal dollars, or develop a “competent” workforce for businesses (or perhaps standardization is the natural result of the pursuit of such things). But setting standards primarily to accomplish these goals is to base our standards on the needs and

interests of teachers, administrators, and employers – the adults – not the children. Because each child has his or her own interests and capacities for learning, which often evolve over time, preserving an individualized learning environment for all children is the only route to true success in education and learning.

Any standards for education should be general. For example, appropriately broad and flexible state standards might simply call for linguistic and numeric literacy, as well as sufficient understanding of civics in order to function as responsible citizens in society.<sup>12</sup> Within this broad framework each district school and charter school, or at the very least each school district and charter school, would be free to determine the academic progression and pace that best fits the needs of the actual children in their schools.

Like most state standards, Common Core is designed to produce sameness through standardized learning. It is just another engine for a race to mediocrity. Utah and America are not great because of mediocrity or uniformity; they are great because of innovation, personal excellence, and diversity.<sup>13</sup>

## **ARE COMMON CORE STANDARDS THE BEST POSSIBLE?**

As we have pointed out, standardization is inherently designed for standard, not exceptional, achievement. Because statewide standards in Utah and other states, including Common Core, are of the type that lead to standardization, it is impossible to assert as a logical argument that any of these sets of standards is the “best,” especially when no evidence shows any correlation between “good” standards and student achievement.<sup>14</sup>

We encourage the state to adopt broad standards as described above. Children in Utah deserve no less. If we choose to pursue standardization in selecting state standards, then we should at least make them the best possible, as standardization goes, and hope that more effective policies and reforms aligned with the standards can lead to greater student achievement.

## WHAT MAKES THESE KINDS OF STANDARDS GOOD?

Answering this question is not easy. People have widely varying opinions on the subject. But most people might agree on some criteria. For example, good standards should probably cover a wide array of topics and concepts, but not too many, and the level of rigor should be appropriate for each designated grade level.

According to the Thomas B. Fordham Institute, which has been evaluating state education standards since 1997, state standards should meet eight criteria in the areas of “Content and Rigor” and “Clarity and Specificity” to be considered excellent.<sup>15</sup> In 2005, Fordham gave Utah’s language arts standards a “C” grade and its mathematics standards a “D.” In a 2010 update, Fordham again gave Utah a “C” for language arts but upgraded the state to an “A-” in mathematics, saying the state’s revised standards (in 2007) “are exceptionally well presented and easy to read and understand. They cover content with both depth and rigor, and provide clear guidance.”<sup>16</sup> That Utah improved its mathematics standards so much in such a short time should be noted. Another 2008 analysis by the American Federation of Teachers rated Utah’s mathematics standards as “strong” while finding its language arts standards to be lacking.<sup>17</sup>

How does Common Core compare? It scores well, but it’s not the best possible. Fordham gave Common Core standards a “B+” in English language arts and an “A-” in mathematics. According to the report, the English language arts standards are “ambitious and challenging for students and educators alike” and could provide “a sturdy instructional framework” for teachers, “although they would be more helpful to teachers if they attended as systematically to content as they do to skills, especially in the area of reading.”<sup>18</sup> As for mathematics, “[t]he expectations are generally well written and presented, and cover much mathematical content with both depth and rigor” and “[t]he often-difficult subject of fractions is developed rigorously, with clear and careful guidance.” However, the mathematics standards “are not particularly easy to read,” the presentation of high school content is “disjointed and mathematical coherence suffers,” and “the geometry standards represent a significant departure from traditional axiomatic Euclidean geometry and no replacement foundation is established.”<sup>19</sup>

The report concludes that Utah’s previous language arts standards are “clearly inferior” to Common Core standards, whereas its mathematics standards are “too close to call” when compared. Additionally, Fordham, a proponent of Common Core, determines that Common Core standards are clearly not the best for English language arts, and for mathematics they are not necessarily any better than the standards of many other states. For example, for English language arts, in 2010 the standards of two states – California and Indiana – and the District of Columbia were rated “clearly superior” to Common Core and 11 were rated “too close to call.” For mathematics, no state standards were rated superior to Common Core, but 12 states, including Utah, already had standards that were “too close to call.”<sup>20</sup>

Many other scholars have identified potential flaws with Common Core. For instance, James Milgram, a former mathematics professor at Stanford University and a member of the validation committee for Common Core's mathematics standards, has said that Common Core is "in large measure a political document that, in spite of a number of real strengths, is written at a very low level and does not adequately reflect our current understanding of why the math programs in the high achieving countries give dramatically better results." Specifically, Milgram said the math standards are a year behind in arithmetic and algebra by the end of fifth grade and two years behind by seventh grade, and the "most likely outcome" of the geometry standards is "the complete suppression of the key topics in Euclidean geometry including proofs and deductive reasoning."<sup>21</sup>

Professor Andrew Porter, dean of the University of Pennsylvania Graduate School of Education, found "some state standards are much more focused and some much less focused than is the Common Core" in both subjects, and the Common Core's approach is surprisingly much different than that of "top-achieving countries," even though Common Core is supposed to be "internationally benchmarked."<sup>22</sup>

These criticisms of Common Core are only a few among many others.<sup>23</sup> Some scholars have made the effort to produce evidence that Common Core standards are better than state standards, but defenders are not very vocal, as Rick Hess notes.<sup>24</sup> One researcher, Dr. William Schmidt at Michigan State University and co-director of the school's Education Policy Center, has found that Common Core standards are "coherent, focused and rigorous" and "consisten[t] with the international benchmark set by top-achieving countries."<sup>25</sup> Supporters of Common Core often assert that the new standards are

"rigorous" or "research and evidence based" but typically fail to define what "rigorous" means or to point to evidence showing the standards are actually good.<sup>26</sup>

The body of evidence seems to indicate that Common Core standards are likely better than many state standards, or as good as many state standards, but inferior to other previously used or existing standards. It also suggests that enough bright minds, maybe even those here in Utah, could probably create standards better than Common Core. If true, this raises an important question: If Common Core standards are not clearly the best, why adopt them?

Does having common standards among many states – even if they're not the best – justify adopting Common Core? As Common Core supporters argue, having common standards would allow for comparability of student performance in different states. Currently, such comparisons are sometimes difficult to make, although tests like the ACT, SAT, and NAEP do provide some data. Another benefit of common standards is that teachers nationwide would be able to share curriculum and testing materials with one another; and instructional materials providers, including textbook companies and digital learning providers, could produce one version of their materials rather than 50.

While these points are valid, they all suffer a common flaw: They revolve around the interests of adults, not the interests of children. For instance, while efficiencies in curriculum preparation might benefit teachers and curriculum developers, they do not necessarily benefit children if the curriculum is not adaptable to the needs of individual classes or students. The purpose of public schools is not to serve the interests of academics, policy researchers, teachers, or businesses. It is to assist par-

ents in fulfilling their responsibility to help their children learn.<sup>27</sup> If we are serious about putting children first when it comes to public education, then arguments like those stated above fail the test. Further, these benefits of common standards are likely overstated. While collaboration among teachers in different states could save time and money, Utah teachers seem to be doing fine in this regard. Twenty thousand Utah teachers all working from the same core standards must surely produce enough good teaching ideas and lesson plans to go around.

One more benefit of the Common Core, often mentioned by its supporters, is that children who move from one state to another would be able to pick up close to where they left off. This benefit is also likely overstated. For example, in 2010 only 1.8 percent of students in Utah transferred out of the state<sup>28</sup> and only about 2.5 percent transferred in from other states or nations,<sup>29</sup> which means catering the entire system to these students is likely not worth the cost to other students. How do we justify choosing standards for all children in public schools based on the needs of a small fraction of them?

Apart from whether Common Core standards will benefit children directly, we should also consider whether they merit the costs of transitioning to new standards. In a standardized system, standards drive everything, so the system must also update assessments, curriculum, professional development, textbooks, and other policies and procedures. According to Accountability-Works, participating states as a whole will spend a “mid-range” estimate of \$15.8 billion over seven years for basic expenditures in implementing new Common Core standards.<sup>30</sup> And according to the Fordham Institute, Utah will incur as much as \$97.6 million in net costs over

the next one to three years in order to implement Common Core with a “business as usual” approach or save as much as \$10.2 million if it uses a “bare bones” approach. It estimates the most likely cost of a “balanced implementation” to be \$17.4 million.<sup>31</sup>

Common Core standards are not the best standards possible; therefore they do not serve the best interests of children in Utah. Any benefits of common standards do not justify the costs of accepting less than superior standards. Utah can do better than Common Core. Our efforts to vastly improve our mathematics standards over a brief period of time demonstrate our potential to develop some of the best standards in the nation. Short of developing new standards now, Utah would be wise at least to delay implementation of Common Core until the standards have been thoroughly tested and proven. Until this occurs, we won’t know their full impact on schools and, most importantly, children.

## **DOES UTAH HAVE INDEPENDENT STANDARDS THAT CAN BE CHANGED AT WILL?**

To officially adopt Common Core standards, Utah agreed to accept the standards in their entirety without changing any wording. The state does have the option of adding up to 15 percent additional content but cannot subtract from or change the standards if it wants to remain in the consortium.<sup>32</sup> This means that if after using Common Core standards for a year or two Utah wants to modify some of them it cannot; it can only add to them. To change its current core standards for language arts and mathematics, Utah would either have to convince the consortium to change the standards for all participating states or else exit its agreement with the consortium.

Utah's agreement with the Common Core State Standards Initiative alone does not obligate the state to keep using Common Core standards. The 2009 agreement says "This effort is voluntary for states"<sup>33</sup> and does not require the state to do anything as a participating member other than adopt the standards. Thus, Utah could choose to exit this agreement and create its own new standards based on Common Core as other states have done,<sup>34</sup> or on another framework; however, *doing so would affect other agreements the state has entered that require it to use Common Core.*

As part of its approved application to receive a flexibility waiver for No Child Left Behind (NCLB), the state has agreed to adopt "standards that are common to a significant number of states," i.e., Common Core.<sup>35</sup> If the state were to exit Common Core, then its flexibility waiver would likely become void, unless the U.S. Department of Education allowed Utah to pursue an alternative. Another option might be to adopt "standards that are approved by a State network of institutions of higher education, which must certify that students who meet the standards will not need remedial course work at the postsecondary level," an option the federal government originally offered the state when it applied for a waiver.<sup>36</sup>

Such an alternative would allow Utah to develop its own standards and still obtain relief from some stifling NCLB regulations and receive the funding to which those regulations are attached. Two states – Minnesota and Virginia – have received NCLB flexibility waivers by choosing this option.<sup>37</sup> In any case, changing Utah's standards by leaving Common Core would require approval from the federal government if the state wants to maintain its flexibility waiver for NCLB.

The cases of Minnesota and Virginia as well as statements from U.S. Secretary of Education Arne Duncan offer hope that the state could maintain its waiver while using its own standards. For example, Secretary Duncan has affirmed that "states 'absolutely do not have to adopt the common core' academic standards in order to gain an advantage in the waiver process" and that "States have the sole right to set learning standards."<sup>38</sup>

Of course, even with a flexibility waiver the state still must deal with new and ongoing NCLB regulations imposed upon it by the federal government. Ideally, as we have argued elsewhere,<sup>39</sup> Utah should not participate at all in NCLB or other federal education programs because the costs to Utah schools and children far outweigh any benefits.

Exiting its agreement with Common Core would also require the state to exit its agreement with the SMARTER Balanced Assessment Consortium (SBAC) – an agreement that requires the state to participate in Common Core and ties down state education policy in other ways, as long as Utah remains a member of SBAC.

In both January 2010 and May 2010, Utah submitted applications to receive grants through the first two phases of the Obama administration's Race to the Top Fund. As part of its evaluation process for determining which states would receive funds, the federal government gave preference to a state if it had "demonstrated its commitment to adopting a common set of high-quality standards" by participating in a consortium that included "a significant number of states" and was "working toward jointly developing and adopting a common set of K-12 standards."<sup>40</sup> Because the state did not win a grant in either the first or second phases of Race to the Top funding and did not apply for phase three, it is not

required to remain in Common Core because of Race to the Top directly, but it is indirectly through its participation in SBAC.

On May 26, 2010, Utah signed a Memorandum of Understanding with SBAC that will give Utah access to computer adaptive tests aligned with Common Core standards.<sup>41</sup> SBAC has received a grant of \$160 million from the federal government through the Race to the Top Fund along with a supplemental award of \$15.9 million to develop assessments and associated materials.<sup>42</sup>

As a member of this consortium, Utah has agreed to adopt Common Core standards and to “fully implement statewide” by 2014-15 the assessment system developed by the consortium, even though the assessments are not yet developed. The state has also agreed to “[a]dopt common achievement standards no later than the 2014-2015 school year”; “support all decisions made prior to the state joining the Consortium” as well as decisions made after; and to address “any existing barriers in state law, statute, regulation, or policy to implementing the proposed assessment system.”<sup>43</sup>

Initially, Utah was a “governing state” in the consortium, but on May 3, 2012, the State Board of Education voted to change Utah’s status to an “advisory state.”<sup>44</sup> With this change, Utah is still bound to meet the same requirements, but now it has no vote in final decisions and has less influence generally in the consortium’s decision-making process.<sup>45</sup> So Utah has signed onto adopting the consortium’s assessments without seeing them and has little influence on future decisions it has already agreed to support. This should trouble Utahns concerned about state autonomy in education.

Additionally, as an official member of SBAC, Utah has indirectly entered an agreement to adhere to the wishes of the federal government until it ends its membership in SBAC.<sup>46</sup> As a recipient of a federal grant, SBAC must report to and be accountable to the federal government in developing its assessments and related materials. Utah has agreed to support SBAC decisions and, therefore, must do the bidding of the federal government in regard to this contract. And Utah’s agreement with SBAC has the potential to affect nearly every aspect of public education in the state, since SBAC’s “Comprehensive Assessment System ... will be grounded in a thoughtfully integrated learning system of standards, curriculum, assessment, instruction, and teacher development.”<sup>47</sup>

This agreement along with the nation’s shift toward a system of common standards and assessments could lead to undesired decisions or pressure to conform with more than is currently required. For example, to ensure comparability among states and “fairness” in comparisons, SBAC may attempt to require all states to coordinate the number and time frame of tests, academic calendars, and timelines for curriculum and instruction. Another concern is the reporting of student data. Utah’s agreements with Common Core and SBAC do not obligate it to release sensitive data or to relax its family privacy guidelines, but SBAC has agreed to work with the U.S. Department of Education 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, validity, and program improvement studies, subject to applicable privacy laws.”<sup>48</sup>

Based on SBAC’s agreement with the federal government, it is reasonable to assume the state may be pres-

sured or required at some point to collect more sensitive data and loosen its privacy laws, as the federal government recently did, allowing the transmission of “personally identifiable information” to any approved governmental or private entity without the consent of parents.<sup>49</sup> The federal government has been using various grants to encourage states to collect, store, and share more detailed individual student data for comparison among the states, a development that should put parents and Utah officials on guard.

Unless and until Utah exits SBAC, it is creating unnecessary risks for children in public schools by giving influence over its public education system to other states, the federal government, and private interest groups. To leave the consortium, which it can do “without cause,” the state must “explain its reasons for leaving” and receive approval from SBAC and the U.S. Department of Education.<sup>50</sup> Receiving approval from SBAC and the federal government should not be too difficult for three reasons: (1) The state easily changed its status from “governing” to “advisory,” which requires the same approval process; (2) Utah has not yet received any substantial funding or services through SBAC and, therefore, has few or no accompanying obligations; (3) although Utah’s participation in SBAC helped qualify it for its NCLB flexibility waiver, the waiver application provided an option for states to adopt their own annual statewide assessments without belonging to an assessment consortium, which means the federal government should allow the state to use its own assessments and maintain its flexibility waiver.<sup>51</sup>

In 2012, the Utah Legislature passed a bill requiring the state to administer statewide computer adaptive tests aligned with Utah’s core standards.<sup>52</sup> The State Office of Education is planning to release a “request for proposal”

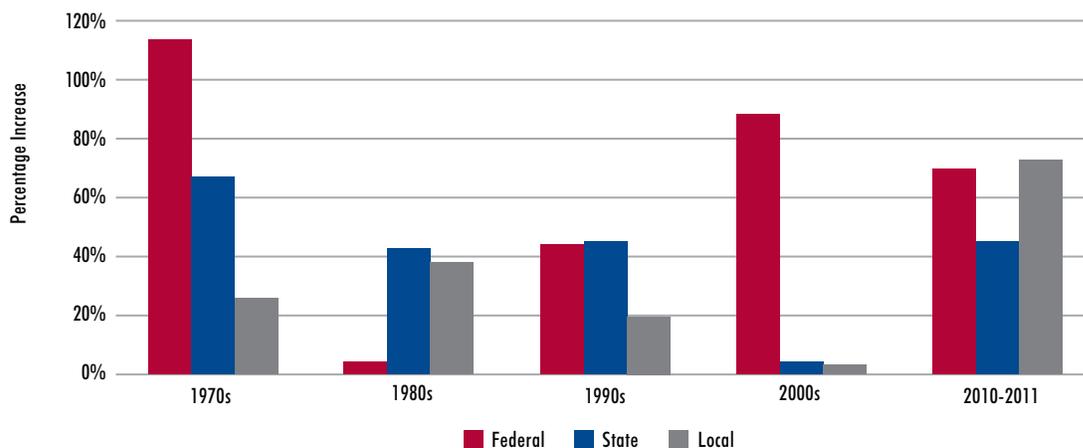
in order to have its own assessments developed or to adopt another existing assessment. By 2014-15, it must decide whether to remain in SBAC and use its assessments or use assessments acquired through its proposal request.<sup>53</sup> Of course, to use its own assessments the state would first need approval from the federal government if it wants to maintain its NCLB waiver.

Utah’s participation in SBAC and Common Core creates a risk that the state’s education system could become handcuffed and move even more toward a one-size-fits-all approach, rather than maintaining a unique learning environment for every student. If some policymakers do not view these limitations as sufficient justification for exiting SBAC and Common Core now, then they should also consider where federal education policy appears to be headed, especially given that getting out later will be increasingly difficult as the state continues to transition to new standards and assessments.

The main focus of President Obama’s administration appears to be to corral the states step-by-step into accepting federal wishes when it comes to public education.<sup>54</sup> Because of multiple prohibitions in U.S. law, the federal government has no authority to direct, supervise, or control curriculum, programs of instruction, or instructional materials in the states,<sup>55</sup> but it is attempting to do so indirectly by using funding and regulatory strings through programs like No Child Left Behind and Race to the Top.<sup>56</sup> As analysts at the Pioneer Institute have concluded, “The Department has simply paid others to do that which it is forbidden to do.”<sup>57</sup>

Utah should be leery of what the federal government is trying to do, especially considering the state’s history with NCLB and the Department of Education. Experi-

Average Increase in Sources of Public Education Budget Per Decade



Data source: State Superintendent Annual Reports

ence has shown that the federal bureaucracy likes to bully more than help (think not only Department of Education but also Internal Revenue Service and the Environmental Protection Agency).

We note – with no small amount of emphasis – that we do not know whether the end goal of current federal policies is to create a national education system. All we can say with certainty is that the federal government, under the direction of the Obama administration, is moving in a direction of more influence and control over K-12 education, not less. In our opinion, this fact is one more reason Utah should cut ties with SBAC, Common Core, and federal education programs like NCLB.

## WHAT COMES NEXT?

Based on the evidence, Utah’s participation in Common Core and SBAC violate all three principles we have presented; namely, Utah’s new standards are (1) overly prescriptive, (2) inferior to other similar sets of standards, and (3) not truly independent. The result is harm to children and learning.

We recommend that Utah exit Common Core and SBAC and adopt broad and flexible standards so districts and charter schools can have full freedom to reach the high academic goals of the state. If the state wants to continue to use standards intended for standardization, we recommend that it develop its own set – better than Common Core – and its own assessments. It should also refuse to sign onto continuing efforts to develop and adopt common standards for subjects other than language arts and mathematics.<sup>58</sup> Certainly, Utahns have the ability and resources to develop and establish their own world-class standards designed to fit the needs of actual children in Utah – standards that other states and nations might even envy.

Creating our own standards would allow us to have the best standards possible for students in Utah, remain independent with the ability to update and improve our standards and assessment over time, and avoid the risks associated with agreements we recently entered and might be asked to enter in the future. Most importantly, it would help preserve the opportunity to move away from standardization altogether and work to maintain the best learning environment for each child in public schools.

We all want the best for children in Utah, and parting ways with Common Core and SBAC would be a step in the right direction.

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## ENDNOTES

1. Emily's story is based on the public school experience of one of the author's school-age relatives and the experiences of other children in her neighborhood.
2. See Utah State Board of Education, "Utah Core Standards Forum Comment Analysis," May 3, 2012 (Updated May 15, 2012), <http://www.schools.utah.gov/board/Meetings/Summary/materials/UtahCoreStandardsForumComments-Analysis.aspx>.
3. Common Core State Standards Initiative, "Common Core State Standards for Mathematics," 35, [http://www.corestandards.org/assets/CCSSI\\_Math%20Standards.pdf](http://www.corestandards.org/assets/CCSSI_Math%20Standards.pdf).
4. Utah Code § 53A-1-402 and 53A-1-402.6.
5. "Utah ESEA Flexibility Request," Utah State Board of Education, February 21, 2012, 16.
6. "Common Core State Standards," Utah Office of Legislative Research and General Counsel, presented to Education Interim Committee, May 2012.
7. The Council of Chief State School Officers and The National Governors Association Center for Best Practices, "Common Core Standards Memorandum of Agreement," May 2009.
8. Council of Chief State School Officers, "Press Release: Draft K-12 Common Core State Standards Available for Comment," March 10, 2010, [http://www.ccsso.org/News\\_and\\_Events/Press\\_Releases/Draft\\_K-12\\_Common\\_Core\\_State\\_Standards\\_Available\\_for\\_Comment.html](http://www.ccsso.org/News_and_Events/Press_Releases/Draft_K-12_Common_Core_State_Standards_Available_for_Comment.html).
9. Catherine Gewertz, "Final Version of Common Standards Unveiled," *Education Week*, June 2, 2010, [http://blogs.edweek.org/edweek/curriculum/2010/06/common-core\\_standards\\_released.html](http://blogs.edweek.org/edweek/curriculum/2010/06/common-core_standards_released.html).
10. Minutes for Utah State Board of Education meeting, June 4, 2010, <http://www.schools.utah.gov/board/Minutes/2010/06-04-10.aspx>.
11. Sutherland Institute, *Saving Education and Ourselves 2011: The Moral Case for Self-Reliance in Education*, (Sutherland Institute: Salt Lake City, August 16, 2011), 78, [http://www.sutherlandinstitute.org/uploaded\\_files/sdmc/SavingEducation/SavingEducation2011-part4.pdf](http://www.sutherlandinstitute.org/uploaded_files/sdmc/SavingEducation/SavingEducation2011-part4.pdf).
12. The Utah State Board of Education's "Promises to Keep" follows this approach by saying the board will keep its "constitutional promise" by "[e]nsuring literacy and numeracy for all Utah children," <http://www.schools.utah.gov/main/DOCS/Prom2Keep.aspx>.
13. See Lynn Stoddard, "Educate for human variety not uniformity," *Deseret News*, May 16, 2012, and "Education for Human Greatness: An Alternative to No Child Left Behind," Sutherland Institute, January 4, 2007, [http://www.sutherlandinstitute.org/uploaded\\_files/sdmc/educating.pdf](http://www.sutherlandinstitute.org/uploaded_files/sdmc/educating.pdf).
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15. Sheila Byrd Carmichael et al., "The State of State Standards – and the Common Core – in 2010" (Washington, D.C.: Thomas B. Fordham Institute, July 2010), 357, [http://www.math.jhu.edu/~wsw/FORD/SOSSandCC2010\\_FullReportFINAL.pdf](http://www.math.jhu.edu/~wsw/FORD/SOSSandCC2010_FullReportFINAL.pdf).
16. Ibid, 310-316.
17. "Sizing Up State Standards 2008," American Federation of Teachers, 4, 9, <http://www.aft.org/pdfs/teachers/sizingupstandards0308.pdf>.
18. Carmichael et al., 22-27.
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21. R. James Milgram, "Testimony on the CCSSI Core Standards and the new draft TX math standards," May 2011, <http://coehp.uark.edu/colleague/9864.php>.
22. Andrew Porter et al, "Common Core Standards: The New U.S. Intended Curriculum," *Educational Researcher* Vol. 40 no. 3 (April 2011): 103-116. See also Andrew Porter, "In Common Core, Little to Cheer About," *Education Week*, August 10, 2011. [http://www.edweek.org/ew/articles/2011/08/10/37porter\\_ep.h30.html](http://www.edweek.org/ew/articles/2011/08/10/37porter_ep.h30.html).
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25. Press release: "Common Core Math Standards Implementation Can Lead to Improved Student Achievement," Achieve, May 3, 2012, <http://www.achieve.org/common-core-math-standards-implementation-can-lead-improved-student-achievement>.
26. For example, see "Common Core Facts," Utah State Office of Education, February 28, 2012, <http://www.schools.utah.gov/fsp/College-and-Career-Ready/Meetings/2012-Spring-Directors/Common-Core-FACTS---Brenda-Hales.aspx> and Chester E. Finn, Jr. and Michael J. Petrilli, "The Common Core Curriculum," *National Review Online*, July 22, 2010, <http://www.nationalreview.com/articles/243517/common-core-curriculum-chester-e-finn-jr?pg=1>.
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29. Estimate calculated by dividing the total number of Utahns age 5-17 who migrated into the state in 2010 by the total number of Utahns age 5-17 residing in Utah in 2010, using "2010 American Community Survey: Geographical Mobility in the Past Year by Age for Current Residence in the United States, Universe: Population 1 year and over in the United States," U.S. Census Bureau.
30. AccountabilityWorks, "National Cost of Aligning States and Localities to the Common Core

- Standards,” A Pioneer Institute and American Principles Project White Paper 82 (February 2012), [http://www.accountabilityworks.org/photos/Cmmn\\_Cr\\_Cst\\_Stdy.Fin.2.22.12.pdf](http://www.accountabilityworks.org/photos/Cmmn_Cr_Cst_Stdy.Fin.2.22.12.pdf).
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  33. “Common Core Standards Memorandum of Agreement” signed by Utah officials in May 2009.
  34. Common Core State Standards are copyrighted, but according to staff at the Council of Chief State School Officers, “A state can use parts of the Common Core to inform their standards development, as Texas, Virginia, and Alaska have done, but may not claim to have adopted the standards if they do not adopt the documents in their entirety.” E-mail correspondence, June 6, 2012.
  35. “Utah ESEA Flexibility Request,” Utah State Office of Education, May 29, 2012, 20-23. <http://www2.ed.gov/policy/eseaflex/approved-requests/ut.pdf>.
  36. Ibid, 20.
  37. Minnesota received a waiver after choosing this second option for its mathematics standards, while it adopted Common Core for its language arts standards. Virginia chose to use its own standards based on Common Core standards for both mathematics and language arts. See “ESEA Flexibility Request,” Minnesota Department of Education, February 7, 2012, 20-24, <http://www2.ed.gov/policy/eseaflex/approved-requests/mn.pdf>, and “ESEA Flexibility Request,” Virginia Department of Education, June 18, 2012, 16-20, <http://www2.ed.gov/policy/eseaflex/approved-requests/va.pdf>.
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40. "Race to the Top Application for Initial Funding," Utah, Phase I, January 14, 2010, 64-65, <http://www2.ed.gov/programs/racetothetop/phase1-applications/utah.pdf>; "Race to the Top Application for Initial Funding," Utah, Phase II, May 20, 2010, 100-101, <http://www2.ed.gov/programs/racetothetop/phase2-applications/utah.pdf>.
41. "Memorandum of Understanding: SMARTER Balanced Assessment Consortium, Race to the Top Fund Assessment Program: Comprehensive Assessment Systems Grant Application," Utah, signed May 25, 2010, 2.
42. "Cooperative Agreement Between the U.S. Department of Education and the SMARTER Balanced Assessment Consortium and the State of Washington," PR/Award #: S395B100003, January 7, 2011.
43. "Memorandum of Understanding: SMARTER Balanced Assessment Consortium, Race to the Top Fund Assessment Program: Comprehensive Assessment Systems Grant Application," Utah, signed May 25, 2010, 3, 12.
44. "Board Meeting Summary," June 1, 2012 Meeting, Utah State Office of Education, <http://www.schools.utah.gov/board/Meetings/Summary.aspx#SBAC>.
45. See Summary Table for (A)(1)(b)(ii): States' Roles in the Consortium in "Race to the Top Assessment Program: Application for New Grants, Comprehensive Assessment Systems," submitted by Washington State on behalf of the SMARTER Balanced Assessment Consortium, signed June 15, 2010, 24-25, [http://www.sde.ct.gov/sde/lib/sde/pdf/arra/sbac\\_narrative.pdf](http://www.sde.ct.gov/sde/lib/sde/pdf/arra/sbac_narrative.pdf).
46. As a "sub-recipient" of the Race to the Top Grant, Utah "must comply with all of the assurances and certifications that the Grantee [SBAC] submitted with its application..." See "Cooperative Agreement Between the U.S. Department of Education and the SMARTER Balanced Assessment Consortium and the State of Washington," PR/Award #: S395B100003, January 7, 2011, 8.
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48. "Cooperative Agreement Between the U.S. Department of Education and the SMARTER Balanced Assessment Consortium and the State of Washington," PR/Award #: S395B100003, January 7, 2011, 3.
49. Emmett McGroarty and Jane Robbins, "Controlling Education From the Top: Why Common Core Is Bad for America," *Pioneer Institute and American Principles Project*, 87 (May 2012), 19. [http://pioneerinstitute.org/pdf/120510\\_ControllingEducation.pdf](http://pioneerinstitute.org/pdf/120510_ControllingEducation.pdf) and *Federal Register*, Vol. 76, No. 232, Final Regulations, Department of Education, Family Educational Rights and Privacy, December 2, 2011. <http://www.gpo.gov/fdsys/pkg/FR-2011-12-02/pdf/2011-30683.pdf>.
50. "Memorandum of Understanding: SMARTER Balanced Assessment Consortium, Race to the Top Fund Assessment Program: Comprehensive Assessment Systems Grant Application," Utah, signed May 25, 2010, 12.
51. See "Utah ESEA Flexibility Request," Utah State Office of Education, May 29, 2012, 20-23. <http://www2.ed.gov/policy/eseaflex/approved-requests/ut.pdf>. Also, according to legislative staff, "SBAC and USDE have no authority to deny a state's request to exit, under due process of law." "Common Core State Standards," Utah Office of Legislative

- Research and General Counsel, presented to Education Interim Committee, May 2012, slide 24.
52. H.B. 15 – Statewide Adaptive Testing, Rep. Greg Hughes, 2012 Utah legislative session.
  53. Utah State Board of Education Meeting Minutes, February 3, 2012, 18742-18744, <http://www.schools.utah.gov/board/Meetings/Minutes/2012/02-03-12.aspx>.
  54. See Robert S. Eitel and Kent D. Talbert, “The Road to a National Curriculum: The Legal Aspects of the Common Core Standards, Race to the Top, and Conditional Waivers,” Pioneer Institute 81 (February 2012). [http://www.pioneerinstitute.org/pdf/120208\\_RoadNationalCurriculum.pdf](http://www.pioneerinstitute.org/pdf/120208_RoadNationalCurriculum.pdf).
  55. Ibid, 2-5.
  56. In the Supreme Court’s recent health care decision, Chief Justice Roberts affirmed that the federal government can have “considerable influence even in areas where it cannot directly regulate” through its taxing and spending power. He says, “Congress may offer funds to the States, and may condition those offers on compliance with specified conditions...These offers may well induce the States to adopt policies that the Federal Government itself could not impose.” *National Federation of Independent Business Et Al. v. Sebelius, Secretary of Health and Human Services, Et Al.* 567 U. S. \_\_\_\_ (2012) However, the federal government’s recent actions likely surpass this constitutional authority because they violate specific prohibitions on intervening in curriculum and instruction. One scholar, Michael Heise, professor of law at Cornell University, argued that NCLB, before the Obama administration, was constitutional but was also coercive from a policy perspective because functionally it compelled states to make changes “that extend beyond the statutorily required policy,” such as in curriculum, standards and assessments, and finance. Heise, “The Political Economy of Education Federalism,” 55 *Emory Law Journal* 125 (2006).
  57. See Robert S. Eitel and Kent D. Talbert, “The Road to a National Curriculum: The Legal Aspects of the Common Core Standards, Race to the Top, and Conditional Waivers,” Pioneer Institute 81 (February 2012), 18, [http://www.pioneerinstitute.org/pdf/120208\\_RoadNationalCurriculum.pdf](http://www.pioneerinstitute.org/pdf/120208_RoadNationalCurriculum.pdf).
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