

Testimony to the Georgia Committee on the Federal Government's Role in Education

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Thank you for the invitation to speak today. I'm Joy Pullmann, a mother of three children and an education research fellow for The Heartland Institute. Heartland is a nonprofit, nonpartisan, national think tank headquartered in Chicago. Our mission is to research and promote ideas that empower individuals. Because we believe in academic freedom, I speak for myself today and not every member of the Institute.

It's fitting that the topic of this hearing is the federal government's role in education, because the creation and imposition of Common Core has revealed the extent to which the federal government mangles education policy and practice. Even if Georgia should be so lucky as to rid itself of Common Core, many problems will remain and retrench if Georgians allow the heavy hand of the federal government to continue to grip your necks.

So I'm here today to discuss federal overreach as it has exhibited itself within the Common Core initiative. Let's start by establishing heavy federal involvement with Common Core itself, then discuss why this results in a low-quality education system and degrades the guarantee of self-government secured to Georgia and American citizens under our constitutions.

I am the person who first researched the organizations that created Common Core, after a mother called me, frustrated that she couldn't attend their meetings and see what they were deciding about her kids' education. As you all know, the National Governors Association (NGA) and Chief Council of State School Officers (CCSSO) midwived Common Core. Each of these organizations gets the largest part of its funding from federal tax dollars.¹ Their tax intake is so large, they have to undergo special audits. As I understand it, an initial \$10 million grant from the Bill and Melinda Gates Foundation specifically funded Common Core's creation;² but we all know organizations' income is fungible, meaning some from one source for a specific item allows the recipient to direct its existing funds to more supporting projects. That's part of how taxpayers are now funding abortions through Obamacare, despite promises this would not happen. In short, any organization that receives the largest portion of its funds from the federal government depends on the feds and therefore will work in concert with, rather than against, federal interests.

This would not be a problem, if federal interests, if the interests of a central power, did not directly and frequently conflict with the interests of decentralized powers, like state and local governments. This reality is the very reason our founders constructed a self-governing Republic with tension between the various government units, so, as James Madison wrote, "ambition must

¹ "State-Led' Common Core Pushed by Federally Funded Nonprofit," Joy Pullmann, *School Reform News*, April 24, 2013: <http://news.heartland.org/newspaper-article/2013/04/24/state-led-common-core-pushed-federally-funded-nonprofit>. Also see later documentation in this testimony.

² "Education Policies Led by Gates, Not States?" Joy Pullmann, *School Reform News*, February 11, 2013: <http://news.heartland.org/newspaper-article/2013/02/11/education-policies-led-gates-not-states>.

be made to counteract ambition.” Concentrated power threatens liberty. So, to preserve liberty, the wisest arrangement for government is to prevent power from concentrating in the federal government, or anywhere else, by “giving to those who administer each department the necessary constitutional means and personal motives to resist encroachments of the others,” Madison wrote.³ In other words, vesting private organizations such as NGA and CCSSO with incentives to increase the federal government’s reach threatens individual liberty, which arrangement turns our form of government on its head, because our government exists to preserve our liberties, not destroy them through partnerships with special interests it funds. This is made all the more obvious by the fruit of such an incestuous partnership—one of which is Common Core, and another of which I will not discuss today are a set of templates for centralized economic planning, called “career and workforce alignment initiatives.” The latter is also directly tied to Common Core.

But let’s back up even further and look at the anti-democratic, anti-republican, federally-influenced process that brought us Common Core. Private organizations—not states—created the initiative, and continued to control it throughout the Common Core development process. In 2007, the Bill and Melinda Gates Foundation commissioned a report on the future of No Child Left Behind, which called for national education standards.⁴ In May 2008, the Gates Foundation awarded the Hunt Institute \$2.2 million to promote national standards.⁵ The Hunt Institute then began partnering with NGA to target state leaders with its national standards message.⁶ In December 2008, NGA, CCSSO, and Achieve Inc. released a report calling for national standards. It recommended “a strong state-federal partnership” to accomplish this goal.⁷ So, from the beginning, Common Core’s supporters encouraged the federal government to be involved in this nationwide project.

These three groups then answered their own call, and coordinated Common Core, again with Gates funds. The list of people who sat on Common Core committees is long, but the people who controlled the outcome were few. Committee members told me they had no power over the standards. That was reserved to the standards’ five lead writers, of whom none live in Georgia, none have been K-12 teachers, and two had never written standards.⁸ Although Common Core’s shepherds requested public comments, which included a special invitation to Georgia, Common Core’s owners never published these or responded to these comments publicly, which is typically mandatory for public rule-making. The anonymous, closed-to-the public comments also were on an early, unpublished edition of Common Core that bore almost no real resemblance to the final

³ *The Federalist* No. 51. <http://www.constitution.org/fed/federa51.htm>.

⁴ “Beyond NCLB: Fulfilling the Promise to Our Nation’s Children,” Commission on No Child Left Behind, Aspen Institute, 2007: <http://www.aucd.org/docs/Aspen%20Commission%20on%20NCLB.pdf>.

⁵ “Our Response to Florida Republican Leaders’ Defense of Common Core,” Jane Robbins, American Principles Project, July 24, 2013: <http://americanprinciplesproject.org/preserve-innocence/2013/our-response-to-florida-republican-leaders-defense-of-common-core/>.

⁶ “Five People Wrote ‘State-Led’ Common Core,” Joy Pullmann, *School Reform News*, June 7, 2013: <http://news.heartland.org/newspaper-article/2013/06/07/five-people-wrote-state-led-common-core>.

⁷ “Benchmarking for Success,” National Governors Association, Chief Council of State School Officers, and Achieve Inc., December 18, 2008: <http://www.nga.org/files/live/sites/NGA/files/pdf/0812BENCHMARKING.PDF>.

⁸ “Five People Wrote ‘State-Led’ Common Core,” Joy Pullmann, *School Reform News*, June 7, 2013: <http://news.heartland.org/newspaper-article/2013/06/07/five-people-wrote-state-led-common-core>.

product. Further, sending in a comment to someone who decides how to use it and never even publishes your comments for the world to see is nothing like having a vote for or against someone to represent your interests, whom you can recall and boot out if he misbehaves. That's like saying holding a hearing to air people's concerns is the same thing as actually addressing their concerns. The public comment process was window dressing on a special-interest project that invited federal involvement from the get-go.

One of the great myths about Common Core is that it represents local decision-making. No. It represents special-interest decision-making. NGA and CCSSO are private, Washington DC-based trade organizations. Unlike state boards of education and legislatures, their activities are not subject to open records requests or open meetings laws. Common Core was created entirely in private, and its contributors signed confidentiality agreements.⁹ NGA receives approximately 80 percent of its funds from the federal government, according to its tax documents.¹⁰ CCSSO receives approximately half its funds from the federal government.¹¹ Gates not funded Common Core's development, it's also funding initiatives in Georgia that tell teachers and local districts what kind of curriculum does and does not fit its interpretation of Common Core.¹² Given such intimacy, it's fair to wonder whether Georgians direct their education policy, or Bill and Melinda Gates do. Furthermore, Americans already have true "state-led" mechanisms for instituting new policies. These are the state legislatures and U.S. Congress. Private groups and individuals are free to pursue their own ends, but not to function as de facto legislatures and boards of education. State legislatures are the only bodies constitutionally granted power over K-12 education, not governors and state superintendents who like to sign contracts in lieu of the legal procedure for passing laws, which involves, you know, *legislatures*.

Utterly dismissing state legislatures, however, NGA and CCSSO looped governors and state superintendents into signing a complete education restructure, without the consent of Georgia's legislature or state board, through memorandums of agreement committing to the Common Core project,¹³ and subsequently to national Common Core tests.¹⁴

Now, let us move into another arena of federal involvement with Common Core, beyond funding and being asked to enforce the project by its creators. This is more direct, and moves beyond involvement and funding to outright coercion. A main reason so many states adopted Common Core in 2010 is that federal regulations required them to do so before Common Core was

⁹ "Message from Professor Jim Milgram, Stanford University, to Richard Innes Regarding the Conduct of the Common Core State Standards Validation Committee, May 11, 2013:

http://www.freedomkentucky.org/images/8/81/Message_from_Professor_Jim_Milgram_Regarding_Delphi_Issues.pdf.

¹⁰ "State-Led' Common Core Pushed by Federally Funded Nonprofit," Joy Pullmann, *School Reform News*, April 24, 2013:

<http://news.heartland.org/newspaper-article/2013/04/24/state-led-common-core-pushed-federally-funded-nonprofit>.

¹¹ "Tax-Sponsored Common Core Meetings Closed to Public," Joy Pullmann, *School Reform News*, January 3, 2013:

<http://news.heartland.org/newspaper-article/2013/01/03/tax-sponsored-common-core-meetings-closed-public>.

¹² Georgia's "ESEA Flexibility Request," February 12, 2012 (includes 2014 update), p. 24: <https://www2.ed.gov/policy/eseaflex/approved-requests/gaamendreq714.pdf>

¹³ "Common Core Standards Memorandum of Agreement," National Governors Association and Chief Council of State School Officers, May 8, 2009: http://www.freedomkentucky.org/images/c/c6/2009_CCSS_Commitment_MOA_from_Open_Recs_Request.pdf.

¹⁴ Memorandum of Understanding, SMARTER Balanced Assessment Consortium, Race to the Top Fund Assessment Program, Comprehensive Systems Grant Application, p. 400: <http://www2.ed.gov/programs/racetothetop-assessment/rta2010smarterbalanced.pdf>.

published if they wanted to get a federal Race to the Top grant. As you certainly know, Georgia was not only among the states rushing into even more intimate federal control over its education system, it was one of the states to actually get what it wanted in this regard. Georgia traded 5 percent of one year's K-12 budget for tying itself more closely to Obama administration education policies and even more direct federal oversight. What a mess of pottage, especially given that there is essentially no research or experience with Common Core to demonstrate it will improve student achievement.¹⁵ One of the four key criteria for getting a Race to the Top grant was adopting a set of curriculum mandates common to a majority of states—which definition then and now only fits Common Core, and by design, because Common Core is what the feds meant for states to adopt.

So Georgia promised the feds it would trade its solid-quality curriculum mandates for an unknown, untested set four months before Common Core was available to the public.¹⁶ Not only that, even a cursory reading of the state's Race to the Top application makes it clear that adopting Common Core—whatever it turned out to be, since at that point drafts resembling the final product were months away from public access—was a foregone conclusion. In short, in response to Obama administration dictates nowhere authorized in any law Congress has passed, Georgia's department of education was willing to commit the state's board of education to adopting something no one had ever seen.¹⁷ That's astonishing. And sickening. This entire enterprise is built upon elected and unelected officials acting like petty dictators, submitting none of their actions to the appropriate legal channels by which American governments rightly make law, and which have been carefully instituted in this country to safeguard individual liberties and rule by consent of the governed.

By the way, a decent portion of taxpayer money went to fund Common Core advertising and agreement-cultivation, as your No Child Left Behind waiver and Race to the Top applications show.¹⁸ And tens of millions in federal dollars have gone out to promote Common Core nationwide, in addition to state-channeled PR initiatives.¹⁹ The Bill and Melinda Gates Foundation is also paying for 80 teachers to be emissaries of Common Core in a number of Georgia school districts and every regional education service center.²⁰ In other words, we have citizens' tax dollars and private interests who have unprecedented and unwarranted sway over public policy paying to persuade voters and parents of certain government-favored policies. When unions and politicians do that, we call it cronyism.

¹⁵ As acknowledged by Common Core committee members themselves. See "Evidence Use and the Common Core State Standards Movement: From Problem Definition to Policy Adoption," Lorraine McDonnell and M. Stephen Weatherford, *American Journal of Education* Vol. 120, No. 1 (November 2013), pp. 1-25: <http://www.jstor.org/discover/10.1086/673163?uid=3739976&uid=2&uid=4&uid=3739256&sid=21104658268207>.

¹⁶ Georgia's Race to the Top Application, January 19, 2010, p. 10: <http://www2.ed.gov/programs/racetothetop/phase1-applications/georgia.pdf>.

¹⁷ *Ibid.*, p. 59.

¹⁸ Georgia's "ESEA Flexibility Request," February 12, 2012 (includes 2014 update), p. 21-24: <https://www2.ed.gov/policy/eseaflex/approved-requests/gaamendreq714.pdf>, and Georgia's Race to the Top Application, January 19, 2010, p. 65-70: <http://www2.ed.gov/programs/racetothetop/phase1-applications/georgia.pdf>.

¹⁹ "Feds Spend Millions to Promote Common Core," Joy Pullmann, *School Reform News*, January 27, 2014: <http://news.heartland.org/newspaper-article/2014/01/27/feds-spend-millions-promote-common-core>

²⁰ Georgia's "ESEA Flexibility Request," February 12, 2012 (includes 2014 update), p. 23, 24, 31: <https://www2.ed.gov/policy/eseaflex/approved-requests/gaamendreq714.pdf>.

The second area of direct federal coercion on Common Core, this time to retain it, is that a state must adhere to Common Core to get a federal waiver of the No Child Left Behind law. Several states that ostensibly have not adopted Common Core but still received waivers include Alaska, Indiana, and Virginia. The reality in those states, however, is that their education standards themselves are aligned to Common Core and represent little real departure.²¹ And they did this explicitly to receive federal approval for their curriculum mandates and tests. It is no different in Georgia. State leaders like to use other terms than Common Core for your English and math curriculum mandates, but your most recent application for a federal No Child Left Behind waiver is clear: Georgia is using Common Core, and explicitly to comply with federal demands.²² Oklahoma recently cemented this reality by adopting legislation repealing and replacing Common Core with standards that must be substantially different than Common Core. The Obama administration consequently withdrew the state's NCLB waiver.²³ So even if one disregards the special-interest, extra-legal origins of Common Core, it is crystal clear the federal government is forcing states into it. "State-led" is not just a misnomer for Common Core, it is an utter hoax. Created by special interests in back-door meetings of unknown individuals with equally unknown qualifications and authority, strong-armed onto states by the Obama administration—that's Common Core.

Lastly, a word about shifting the locus of education policy away from states, parents, and local communities and towards the federal government. It's obvious that the Georgia Department of Education directs its main energies towards carrying out federal priorities rather than responding to the priorities of the Georgia citizens who provide much of the department's budget and all of its justification for existing. Take a peek through the department's NCLB waiver application (if you can stand leafing through 142 pages of bureaucratse that must have taken a team of people a month to put together). The department very clearly spends its energies channeling federal and Gates foundation priorities down to the local level, rather than the reverse. GADOE has apparently spent the past several years in a frenzied series of meetings to tell teachers and administrators how to do Common Core and creating corresponding curriculum, tests, teacher evaluations, and lesson plans,²⁴ despite assurances that teachers and local districts are free to determine their own curriculum, teaching style, and lessons. It is also sending swarms of enforcers to ensure districts follow their marching orders, down to the last jot.²⁵

²¹ See, for example, Virginia's comparison between its education standards and Common Core, which explicitly says the two are aligned: http://www.doe.virginia.gov/testing/common_core/. Alaska's are so aligned they plan to use Common Core tests to measure them. And Indiana's standards essentially constitute paraphrased Common Core. See http://blogs.edweek.org/edweek/curriculum/2014/03/indianas_draft_vs_the_common_c.html and <http://edexcellence.net/commentary/education-gadfly-daily/common-core-watch/when-1-1-0-why-the-new-indiana-draft-standards>.

²² Georgia's "ESEA Flexibility Request," February 12, 2012 (includes 2014 update), p. 9: <https://www2.ed.gov/policy/eseaflex/approved-requests/gaamendreq714.pdf>

²³ "Common Core repeal costs Oklahoma its NCLB waiver," Caitlin Emma, *Politico*, August 28, 2014: <http://www.politico.com/story/2014/08/oklahoma-common-core-no-child-left-behind-waiver-110421.html#ixzz3Du4K1ZPd>.

²⁴ Georgia's "ESEA Flexibility Request," February 12, 2012 (includes 2014 update), p. 20-28: <https://www2.ed.gov/policy/eseaflex/approved-requests/gaamendreq714.pdf>.

²⁵ Georgia's "ESEA Flexibility Request," February 12, 2012 (includes 2014 update), p. 87, 121, 122: <https://www2.ed.gov/policy/eseaflex/approved-requests/gaamendreq714.pdf>.

This sort of a setup essentially has central planners determining what teachers and local school districts are allowed to do while telling the public they're free to do whatever they want—as long as they do what the feds gave Georgia permission to do. George Orwell called this doublespeak: Simultaneously promising two mutually opposing things. Either teachers and school districts are free to educate children as they see fit, or they have to do what the state and the federal government want. The two are mutually exclusive. Given the huge number of promises the Georgia Department of Education has made to the Obama administration on behalf of all Georgians in order to get back their own tax dollars from federal commissars, it's pretty clear Georgia and every other state is not free to determine its own education policies.

Beyond the disregard for American citizens' rights to self-government under rule of law, rule by consent of the governed, what Georgians and Americans lose with this entire Common Core project is exactly what our historic ways of arranging government are designed to protect. We cherish liberty for itself, but also for what it provides us and our society: a system that naturally fosters excellence and quashes mediocrity. When people are free to cooperate with one another to accomplish their own many and different goals, amazing things happen. Good ideas rise, and bad ones fall under their own weight. Allowing willing people the freedom to excel doesn't just benefit those people—it benefits all society. Letting people conduct their affairs according to their own plans improves society, and beyond that produces the greatest amount of prosperity and happiness for the most people.

When central planners begin substituting their own preferences for the diverse ideas and goals of individuals in a society, they create both social tension and mediocrity. Social tension because now society has become a zero-sum game: People who don't want to do Common Core have to fight with those who do want Common Core because whoever wins gets to impose his idea of what's right on everyone else. And mediocrity because centralizing an enterprise or sector of society gives special interest groups one target for takeover instead of hundreds, or thousands, of individual schools and districts and thousands, or hundreds of thousands, of parents and voters. It's been well-established that when special-interest groups dominate a sector, its quality declines.²⁶

Precisely because education has become inundated with central planning, U.S. education has descended into, at best, a low tide of mediocrity. The past 50 years of accelerating federal intervention into education have not improved education outcomes nationwide, research shows, although they have tripled our inflation-adjusted education spending.²⁷ There are now more non-teaching staff in public schools than there are teachers, largely because of the growth in central planning.²⁸ More programs, initiatives, and bureaucrats are not the answer. Relinquishment is.

²⁶ *Special Interest*, Terry Moe (Washington DC: Brookings Institution Press, 2011).

²⁷ "Sequestration Needed for Federal Education Programs," Neal McCluskey, testimony to the U.S. Senate Appropriations Committee, Subcommittee on Labor, Health and Human Services, Education, and Related Agencies, July 25, 2012: <http://www.cato.org/publications/congressional-testimony/sequestration-needed-federal-education-programs>.

²⁸ "The School Staffing Surge: Decades of Employment Growth in America's Public Schools," Benjamin Scafidi, Friedman Foundation for Educational Choice, February 28, 2014: <http://www.edchoice.org/Research/Reports/The-School-Staffing-Surge--Decades-of-Employment-Growth-in-Americas-Public-Schools--Part-2.aspx>.

That means returning as much power as possible to the people who face Georgia children each and every day, because those closest to a child are best suited to know and respond to her personal and highly individual needs. In economics, we call this the information problem, and it explains why central planning has always resulted in disaster: People thousands of miles away from a situation cannot possibly know enough about it to handle it appropriately. They can't know enough even if they collect every data-point there is to be sucked up. No one knows my child better than I do, because I have been with him from the first second he appeared on this planet. The slightest inflection in his voice tips me off to his mood, his likely next action, the smartest response to him. No one else in the world knows him this way, and because of that, no one else in the world can serve him better than me. I, and every parent, deserve to have our representatives secure the sanctity of this parent-child bond, and to harness its power for societal good instead of allowing bureaucrats to dash us to bits the first second they're able to seize unwarranted power.

It's time to sum up. I have essentially argued that the federal government has been using Common Core to manipulate states and citizens since before Common Core in its final form even existed; that Common Core is a creature of special interests married to federal coercion; that this arrangement transgresses against our American rights to self-government and rule by consent of the governed; and that this state of affairs cannot possibly benefit children, families, or society. Several of my colleagues today will go on to explain how, exactly, Common Core fails to provide a world-class education to Georgia's children; my task here today has been to explain why a setup like this couldn't produce anything other than mediocrity, at best.

Now, to this committee's purpose. It won't make much difference whether you decide it would be beneficial to abolish the U.S. Department of Education, because Georgians alone have no power over such a thing. A far better, and more actionable resolve would be for the state to study whether it should forego federal funds and regulations in education, and for its leaders and runaway public servants to return to their reason for existence. That is not the federal government, no matter how Education Secretary Arne Duncan feels about it. It is the people who put you into office in the first place, and who pay for you to serve their interests, not the demands of a overstepping, arrogant, pushy, and procedure-trampling executive branch.

I thank you for your time and attention.