

Overcoming Common Core With Honest Academic Standards

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November 9, 2016

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1.0 Introduction

The set of standards and assessments for K–12 education called the Common Core State Standards (CCSS) has not only fallen short of expectations but is arguably the result of illegal and corrupt practices of the U.S. Department of Education. Incompetence and deceit among Common Core’s authors and developers led to academically weak standards that would have been ignored by many states had the Obama administration not coerced them to adopt the standards sight-unseen.

Americans want seemingly contradictory policies: They want national education standards, but they don’t want them imposed by the national government. Federal law agrees with that sentiment, explicitly prohibiting the national government from directing K-12 school curriculum decisions. Unfortunately, the U.S. Department of Education appears to have ignored or worked around federal law when it imposed heavy-handed incentives on states to encourage adoption of Common Core proposals.

As policymakers around the country have become aware of the flaws in Common Core, an increasing number of legislators have been rejecting it for better alternatives. The well-regarded standards and tests offered by the American College Testing (ACT) organization are one option that might be considered, but it is not clear whether future versions of the tests will remain independent of Common Core. Other tests could be considered, including new ones such as the *Vector ARC* tests now in beta evaluation.¹

This report begins by summarizing some of the many failings of Common Core as a set of academic standards, including its incompleteness, inferiority, lack of a research basis, and threats to privacy. The story of how Common Core was “captured” by Washington, DC is recounted, as well as the laws that were broken along the way. We then discuss how its tentacles have entangled college curricula and even attracted private school operators into the use of these controversial standards. Much of the critical information presented here is based on the findings of researchers supported by the Pioneer Institute of Boston. A particularly good compendium of their efforts can be found in their book *Drilling through the Core*.²

We conclude by discussing what standards and testing systems are superior replacements for the CCSS. Among them are the standards and tests of the ACT organization, but we note their future independence of and superiority over the Common Core offerings is not certain. We think for-profit testing firms will gladly support a state’s particular standards if that means getting their business. Some of the nonprofit vendors may not be so flexible, as our survey of the field indicates. We look forward to other vendors entering this field to compete and provide more variety to the spectrum of American K-12 standards and testing.

¹ Julie West, president of *Vector: Assessment of Readiness for College*. This new testing organization has embarked on beta testing of its system, but no date has been given for its availability to the public. More information can be found at <http://www.vectorarc.com/home.html>.

² Peter W. Wood, *Drilling through the Core: Why Common Core Is Bad for American Education*, Pioneer Institute, 2015. The book can be purchased at <http://pioneerinstitute.org/drilling-through-the-core/>

To help clarify the following discussions it is useful to understand the nomenclature we use. Just what do the terms *standards*, *curricula*, and *tests* mean? Ideally, the *curriculum* of any course of study or of a combination of courses is the body of knowledge to be learned by the student. The *test* for that curriculum covers all of the knowledge items therein or could be a sampling of that body of knowledge. The concept of *standards* here is really an abstraction of the *curricula*; they are a summary of the more precisely defined *curricula*. In our context, *cut scores*, are a feature of the *test* and are not a component of the *standards*. In many real world situations the *test* questions do not cover all the *curricular* items and sometimes include material outside of the *curricula*. To further cloud the discussion, many standardized tests take items from a combination of *curricula* and are thus not fully aligned with any one of them.

2.0 Origins of Common Core

The old adage about the road to Hell being paved with good intentions may apply particularly well to Common Core. Americans want strong academic standards for their schools. Many want those standards to be national, but with a caveat: They generally do not want the national government dictating terms.

The Common Core State Standards were said to be conceived and advanced by organizations outside of the national government, *officially* the National Governors Association (NGA) and the Council of Chief State School Officers (CCSSO). Implicit in the CCSS title, the adjective “State” suggested these standards could be adopted by states on a voluntary basis. We say *officially* because there were special-interest groups, operating behind the scenes, which coopted these organizations to be the official providers of these standards. It appears NGA was swayed by disinformation while the top officials of CCSSO were making seemingly official decisions without the prior approval of its members. Thus, one way or the other, these once respectable organizations were remade into “front” organizations for the Common Core agenda.

Next, the U.S. Department of Education used funds provided under the 2009 American Recovery and Reinvestment Act to provide incentives for states to adopt those standards, lest those monies be denied them. With illegal waivers from the requirements of the No Child Left Behind legislation augmenting these inducements, few states could resist.

Some Common Core proponents saw the lack of national curricular standards as shameful. Former Education Secretary Arne Duncan, for example, labeled as “insidious” the freedom states have to set their own standards.³ Many others took a different view, seeing federal imposition of these standards as coercive and illegal. A middle-ground view sees national standards as potentially good but only if they are truly voluntary.

³ Arne Duncan, “Beyond the Bubble Tests: The Next Generation of Assessments,” Secretary Arne Duncan’s Remarks to State Leaders at Achieve’s American Diploma Project Leadership Team Meeting, September 2, 2010, <http://www.ed.gov/news/speeches/beyond-bubble-tests-next-generation-assessmentssecretary-arne-duncans-remarks-state-l>.

3.0 Major Defects of the Common Core Standards

Few would argue that improved academic standards are not a worthwhile goal. We agree that rigorous standards are an important ingredient in the design and operation of K-12 schools. Despite that, we must ask if the academic standards used by American private and public K-12 schools are sufficiently defective that they deserve timely reform? Or are they largely adequate and the principal blame for students' low academic performance lies elsewhere as we believe?

3.1 Common Core Is Unnecessary

Clearly, academic standards and their associated curricula are among the necessary inputs to K-12 education. When students learn a significant fraction of the knowledge items prescribed in these curricula we deem them proficient in the related subject areas. However, we see not a lack of curricular items as the key problem with low student performance. Rather we see a failure of the students to **learn** the material. That is essentially what James Coleman and collaborators found in their seminal report on American schools.⁴ He and his collaborators found that the “inputs” to education are not as important as how educators use their resources to ensure student competence. Academic standards are among those inputs. Few should argue that the standards that have been traditionally in use or the instructional materials embodying them lack sufficient content to be responsible for our poorly performing schools.

Our view, in contrast, places most of the blame on incompetent educators and particularly on the social promotion practices that falsely deem students as proficient when they are not. It is arguably an issue of corrupt practices in the schools rather than the lack of standards.⁵

3.2 Common Core Is Incomplete

In addition to the dubious process by which they were implemented, the Common Core standards have serious academic deficiencies. In mathematics and reading, the two areas where Common Core standards have been published, Common Core has reduced the amount of content students are required to master. In numerous content areas, the standards also are much less specific than one would expect.

In mathematics, Common Core delays mastery of several calculation skills by one or two grade levels when compared with the standards recommended by the National Mathematics Advisory Panel (NMAP).⁶ Common Core specifies only three years of high school mathematics, compared to the traditional four years recommended by NMAP.

⁴ James S. Coleman, Ernest Q. Campbell, Carol J. Hobson, James McPartland, Alexander M. Mood, Frederic D. Weinfeld and Robert L. York, *Equality of Educational Opportunity*, accessible at <http://eric.ed.gov/?id=ED012275>.

⁵ David V. Anderson, “Integrity is Remedy for Harms Caused by Social Promotion,” *School Reform News*, April 2007, accessible at <https://www.heartland.org/news-opinion/news/analysis-integrity-is-remedy-for-harms-caused-by-social-promotion>

⁶ *Foundations for Success: The Final Report of the National Mathematics Advisory Panel*, U.S. Department of Education, Washington, DC, 2008, <http://www2.ed.gov/about/bdscomm/list/mathpanel/report/final-report.pdf>.

In reading, which also includes content from English language arts (ELA), Common Core identifies relatively few recommended works of fictional literature, well below its supposed 50 percent allocation for this type. In place of classic literature is the recommendation that students read more nonfiction, but those reading lists are also remarkably short.

The research base for Common Core is similarly incomplete. The Common Core State Standards adopted the ACT organization's descriptor, "College and Career Readiness Standards," and apparently did so when ACT was assisting CCSS developers in the early stages of their work. One wonders if ACT was being considered at that time as the assessment provider for the CCSS? ACT puts it as follows:

Since ACT Aspire was under development prior to the release of the Common Core State Standards, ACT Aspire was not designed to directly measure progress towards those standards. However, since ACT data, empirical research, and subject matter expertise about what constitutes college and career readiness was lent to the Common Core development effort, **significant overlap** exists between the Common Core State Standards and the college and career readiness constructs that ACT Aspire and the ACT measure. [emphasis added]⁷

CCSS and its two associated testing consortia have developed assessments to measure student proficiencies against the Common Core Standards. Their tests are also incomplete: As explained by Richard Phelps, they are most likely retrospective in their design.⁸ This means that they test only the minimal set of courses within the Common Core specification and don't prospectively test more advanced high school subjects or other items known to correlate with college success. As a result, these CCSS tests likely have little predictive value as to how well the students might perform in college. Such test designs are worse than incomplete. Their tests were never subjected to rigorous validity analyses.

Numerous education experts have criticized this weakness of Common Core and its related assessment programs. Christopher Tienken of Seton Hall University documented the lack of credible research supporting Common Core.⁹ Regarding how Common Core went off-course, Jamie Gass and James Stergios of the Pioneer Institute provided a good review in *The Weekly Standard's* blog.¹⁰ It is clear many proponents and implementers of Common Core support "experiential education" and its motto, "21st century skills." After Connecticut and West

⁷ Sara Clough and Scott Montgomery, "How ACT Assessments Align with State College and Career Readiness Standards," *ACT White Paper*, <http://www.act.org/content/dam/act/unsecured/documents/Alignment-White-Paper.pdf>.

⁸ Richard P. Phelps and R. James Milgram, "The Revenge of K-12: How Common Core and the New SAT Lower College Standards in the U.S.," *Pioneer Institute White Paper #122*, September 2014, pp. 16–17.

⁹ Christopher H. Tienken, "The Common Core State Standards: The Emperor Is Still Looking For His Clothes," *Kappa Delta Pi Record* 48 (2012): 152, http://christienken.com/wp-content/uploads/2013/01/CCSS_Empireor_Still_Naked.pdf.

¹⁰ Jamie Gass and Jim Stergios, "The Beginning of Common Core's Trouble," *The Weekly Standard*, May 29, 2013, http://www.weeklystandard.com/print/blogs/beginning-common-cores-trouble_731923.html?page=1.

Virginia enthusiastically embraced these experiential practices, most of their scores on the National Assessment of Educational Progress (NAEP) fell, Gass and Stergios report. Also troubling is the fact that proficiencies on the NAEP, known as the Nation's Report Card, took a significant drop in 2015 testing, which may be a result of Common Core implementation.

3.3 Common Core Is Inferior

Schools should not put students at risk by forcing them to participate in unproven schemes and inferior programs. Here is a list of some of the more bewildering inadequacies of Common Core:

- Common Core offers no standard for cursive writing, effectively making it optional. Printing and typing are still taught ... at least for the next few years.
- Common Core promotes marginal teaching methods such as experiential education, which at best should be an adjunct to instruction. The standards do not mention direct instruction, which has been validated by many studies.
- One of the more bizarre recommendations in Common Core reading standards is advocacy of “close reading.”¹¹ Under this practice, teachers do not provide background information about historical texts prior to having students read them. The student reads it “cold,” as the standards recommend in studying the *Gettysburg Address*. Obviously, additional information would help the student become more proficient in the subject, yet Common Core disallows it. The standards cite no research supporting such a practice.
- Common Core claims it includes teaching of “critical thinking,” “higher order thinking skills,” and “21st century skills,” but it never bothers to define what those are. That it fails to do so suggests its authors do not know that these empty phrases too often are just that: empty.¹²

As a result of these and many other shortcomings with the standards, education researchers Sandra Stotsky and Ze'ev Wurman, have proposed a kind of “truth in advertising” requirement that states that adopted Common Core remove the “college and career readiness” label everywhere it appears in their descriptions of the standards.¹³

3.4 Weaknesses of Common Core Math Standards

The stated goals of the Common Core standards include preparation of high school graduates with prerequisite knowledge that enables enrollment in a calculus course when they enter

¹¹ Valerie Strauss, “Common Core’s odd approach to teaching Gettysburg Address,” *Washington Post Blogs*, November 19, 2013, <https://www.washingtonpost.com/news/answer-sheet/wp/2013/11/19/common-cores-odd-approach-to-teaching-gettysburg-address/>.

¹² In the author’s earlier career as a theoretical physicist, these concepts would have meant the appropriate use of logic and mathematics in the development of the science.

¹³ Sandra Stotsky and Ze'ev Wurman, “Common Core’s Standards Still Don’t Make the Grade: Why Massachusetts and California Must Regain Control Over Their Academic Destinies,” *Pioneer Institute White Paper #65*, July 2010, p. 27, <http://pioneerinstitute.org/download/common-cores-standards-still-dontmake-the-grade/>.

college.¹⁴ Benchmark standards used for this are recommendations from the National Mathematics Advisory Panel (NMAP).¹⁵ This panel was established in 2006 and is charged with proposing improvements to K–12 mathematics standards to prepare high school graduates for “higher levels of mathematics.” Common Core standards are insufficient to reach these goals. Here are some of the gaps and failures responsible for this inadequacy:

- Common Core postpones proficiency in whole-number division from NMAP’s benchmark grade 5 to grade 6.
- Common Core postpones teaching relationships between fractions and decimals from NMAP’s grade 5 to grade 7.
- Common Core postpones the grade level for a first algebra course from NMAP’s grade 8 to grade 9.
- Common Core reduces the number of years of high school math instruction from NMAP’s four to three, a clear indication students under Common Core will be left behind.
- Common Core eliminates traditional teaching of geometry by replacing the usual Euclidean approach recommended by NMAP with an experimental method that has had little success. Or, as some say, the pedagogy is “experiential.”

In summary, Common Core proposes 11 easy years of instruction in mathematics that will fall short of the National Mathematics Advisory Panel’s recommended 12 years of more intensive work.

3.5 Weakened English Language Arts Standards

A sensible approach to improving student skills in English language arts (ELA) is to have students read more, write more, and gain higher proficiency in grammar, spelling, and rhetoric. Common Core standards, by contrast, embark on a path of unproven tradeoffs in which much less effort is spent in some areas than in others. A key flaw in Common Core’s ELA standards is its shift of reading emphasis from works of fiction, typically the classics of English literature, to nonfiction works.

It appears Common Core reading standards require approximately half of a student’s reading in English classes be nonfiction and the other half fiction. This change from the traditional emphasis on fiction seems to be primarily based on a misunderstanding of NAEP reading tests, which the designers of Common Core profess to admire. The NAEP tests focus about 70 percent of the questions on nonfiction and the other 30 percent on fictional literature.

¹⁴ R. James Milgram and Sandra Stotsky, “Lowering the Bar: How Common Core Math Fails to Prepare High School Students for STEM,” *Pioneer Institute White Paper #103*, September 2013, p. 7, <http://pioneerinstitute.org/download/lowering-the-bar-how-common-core-math-fails-to-prepare-highschool-students-for-stem/>.

¹⁵ Foundations for Success, *supra* note 6.

The developers of Common Core standards for reading have apparently made the mistake of assuming tests, such as NAEP, measure reading skills primarily developed in English classes. In reality, a student builds reading skills in many other subject areas, including mathematics, science, and history. Those other subject areas focus almost entirely on nonfiction. When considering the many subjects taught in school, the emphasis in English classes should largely be on fictional literature. Otherwise, the overall percentage of focus on fictional literature across the school will fail to meet the 30 percent recommended by the NAEP standard.

If schools attempt to reset reading goals so roughly half of all reading assignments focus on fiction and the other half on nonfiction, teachers will have to be retrained to become adequate instructors in nonfiction areas.¹⁶ It is unclear what will be taught, but there certainly will be a temptation to present politically or ideologically biased information.

If there is any conclusion to draw from what we've learned about Common Core's reading standards, it is that its authors have not based their proposals on sound research. Until there is reliable research suggesting a better approach, the best near-term idea is to stay with traditional standards while improving instruction.

4.0 A Flawed Process Led to This Degradation of Standards

The history of efforts to develop national academic standards for K-12 education goes back many decades. One review of the forerunners to to CCSS is available at Diane Ravitch's blog.¹⁷

4.1 How Common Core Was Captured by Washington

Despite numerous claims that Common Core is state-based, the standards quickly transitioned from a voluntary program into one essentially imposed by the U.S. Department of Education. This national governmental interference arose from the implementation of the following programs developed by the Department of Education using funds from the American Recovery and Reinvestment Act (ARRA), the so-called "stimulus" legislation:

- the Race to the Top Fund
- the Race to the Top Assessment Program
- the Conditional NCLB Waiver Program

¹⁶ Mark Bauerlein and Sandra Stotsky, "How Common Core's ELA Standards Place College Readiness at Risk," *Pioneer Institute White Paper #89*, September 2012, p. 2,

<http://pioneerinstitute.org/download/how-common-cores-elastandards-place-college-readiness-at-risk/>.

¹⁷ Diane Ravitch, "Exploring the Origins of Common Core," *Diane Ravitch Blog*, January 27, 2013, <https://dianeravitch.net/2013/01/27/13491/>

Each of these programs provided funds and/or favors to states in exchange for their adherence to Department of Education priorities. The most prominent of these *de facto* mandates was participation in Common Core or some close facsimile of it. Among the criteria for a state to receive a grant from the Race to the Top Fund was the phrase, “adopting internationally benchmarked standards and assessments that prepare students for success in college and the workplace.”¹⁸ The Department of Education restricted grant applicants to those that promised to adhere to content standards substantially identical across all states, and states would be allowed to add no more than 15 percent to those common standards.¹⁹ There was and is only one available system of standards with those two characteristics: Common Core.

Another bucket of money, \$362 million in funding, was made available under the Race to the Top Assessment Program. A state could access grants under this program only if it belonged to one of a few “consortia of states” developing assessments against standards that, by the artful phraseology used to describe them, could only be the Common Core State Standards or a very close, almost cloned, facsimile.²⁰

The Obama administration put still another offer on the table to lure states into Common Core. Any states that did not find the requirements of No Child Left Behind beneficial could receive a waiver from many NCLB provisions after satisfying several conditions, one of which was that the state adopt “college and career ready” standards common to several states, again with Common Core as the only option available. Some state officials sought the waivers based on incomplete information but later regretted their decisions. In nearly every case the states based their decisions on their desire to preserve federal funding with the fewest obligations to fulfill.²¹

These three programs put money on the table and offered relief to states willing to play the Common Core game. Were these merely innocent incentives encouraging states to implement exemplary educational policies, or were they coercive measures designed to induce adherence to Common Core? It is difficult to refute the latter contention.

4.2 Were These Developments Honest, Honorable, and Professional?

Our title included the word “honest.” There are questions about the process that led to the adoption of the CCSS and associated testing systems. There are a number of aspects of the Common Core State Standards and the processes by which they were implemented where one finds misrepresentations, unnecessary secrecy, or a lack of balance.

¹⁸Robert 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,” *Engage* 13 (1) (March 2012), <http://pioneerinstitute.org/download/the-road-to-a-national-curriculum/>.

¹⁹ Robert Scott, “A Republic of Republics: How Common Core Undermines State and Local Autonomy over K–12 Education,” *Pioneer Institute White Paper #102*, September 2013, p. 8, <http://pioneerinstitute.org/download/a-republicof-republics-how-common-core-undermines-state-and-local-autonomy-overk-12-education/>.

²⁰ Robert S. Eitel and Kent D. Talberg, *supra* note 18, p. 11.

²¹ See article on “No Child Left Behind Waivers,” at the *Truth In American Education* website accessible at <http://truthinamericaneducation.com/elementary-and-secondary-education-act/child-left-waivers/>

Questionable activities include the following:

- Is it really true that “The state-led effort to develop the Common Core State Standards was launched in 2009 by state leaders, including governors and state commissioners of education. . . .”²² Or were there planners such as David Coleman and Jason Zimba hidden behind the scenes calling the shots? The evidence suggests it was not a “state-led” effort.
- Was the Gates Foundation deceived by the proponents of CCSS into thinking these standards were more rigorous than those being replaced? Was the American public similarly deceived? The powerful public reaction against Common Core after its implementation suggests those behind the standards were not fully honest about them during the adoption process.
- Did several prominent think tanks, such as the Fordham Institute, compromise their ethics by accepting large grants from the Gates Foundation conditioned on supporting the CCSS?
- In March 2010, Jason Zimba misrepresented the math standards in CCSS to the Massachusetts Board of Elementary and Secondary Education.
- The proceedings and transcripts of the CCSS Validation Committee were sealed and thus not released to the public, and the members of this committee were sworn to secrecy on their discussions. The committee prevented public comment on the proposed standards.
- There are advocates for weaker standards that dare not publicly reveal their agenda. I call this the “school is too hard” lobby. They oppose almost any kind of standardized testing, and the only standards and tests they will tolerate are not challenging at all. Those holding this agenda were not transparent to the public about it during the push to implement Common Core.

4.3 Defying the Constitution and Breaking Laws

As shown earlier, the U.S. Department of Education attempted to establish indirect control over curricula of states through Common Core, giving it some ability to deny its true role. The department used its Race to the Top grants and the issuance of waivers from requirements of No Child Left Behind (NCLB) to pressure states into adopting Common Core. Common Core proponents argue those pressures were perfectly legal incentives, but opponents are correct to label them coercive.

Legal analysts identify two critical areas of legal concern over Common Core:

²² From the official website of CCSS, accessible at:
<http://www.corestandards.org/about-the-standards/development-process/>

- Common Core violates the 10th Amendment to the Constitution, which reserves certain powers to the “States ... or to the people.”
- Common Core violates three federal statutes prohibiting federal control over school curricula.

Those three federal statutes restate what the Constitution already implies:

- The General Education Provisions Act prohibits federal government control of curricula used by “any educational institution.”²³
- The Department of Education Organization Act denies any officer of the Department of Education authority for the “exercise and direction, supervision, or control over the curriculum” of “any educational institution, school,” unless a specific federal law authorizes it.²⁴
- The Elementary and Secondary Education Act of 1965 limits federal control over curriculum in schools.²⁵

The incentive programs discussed above do not literally control curriculum, but they erect barriers and incentives of such magnitude that noncompliant states will suffer financially and programmatically.

Some states, such as Texas, reviewed the legal issues surrounding Common Core and decided to decline the inducements. Former Texas Gov. Rick Perry wrote the following in his letter to U.S. Secretary of Education Arne Duncan declining the offers:

In the interest of preserving our state sovereignty over matters concerning education and shielding local schools from unwarranted federal intrusion into local district decision making, Texas will not be submitting an application.²⁶

In this regard, the Texans did their homework. Most other states did not; or if they did, they evidently allowed financial considerations to cloud their judgment. This meant Texas had to improve and reform its academic standards and associated curricula on its own. Our point here is not that Texas has superior standards but that Texas has the freedom, under the U.S. Constitution, to manage K-12 education as it sees fit. And there remains considerable controversy in Texas regarding indirect influences Common Core has had on their state standards.²⁷

²³ 20 U.S.C. § 1232a (Title 20 of the United States Code, Section 1232a).

²⁴ 20 U.S.C. § 3403b.

²⁵ 20 U.S.C. § 7907a.

²⁶ Robert Scott, *supra* note 19, p. 9. Mr. Scott served as Texas Commissioner of Education, 2007–2012.

²⁷ Jeffrey Weiss, What Texans need to know about Common Core education standards, *Dallas Morning News*, May 20, 2016. Accessible at <http://www.dallasnews.com/news/education/headlines/20140623-what-texans-need-to-know-about-common-core-education-standards.ece>

5.0 Other Victims of Common Core

5.1 Infecting and Dumbing Down College Curricula

Were the Common Core State Standards to succeed and be enforced, most high school graduates would supposedly be, in the parlance of the CCSS, college-ready. This would suggest colleges, for the most part, would no longer have to require remedial instruction to help entering students who were not really college-ready.

Reality, however, is markedly different. Aspects of the Common Core wish list are being imposed by the U.S. Department of Education on state- and community-run colleges to degrade their standards in such a way as to close the skills and knowledge gap between high school graduates and entry-level college students.²⁸ It's a dumbing down policy for these government-run colleges.

In the past, college entrance tests such as the SAT and ACT would tell college admission departments whether a student was college-ready or not. ACT's traditional testing still does that, whereas the SAT has changed for the worse. SAT is now under the control of David Coleman, the primary proponent and author of many of the Common Core standards. He is now president of the College Board, which operates the SAT examinations. As a result, the SAT is in the process of degrading its standards—lowering the bar—to ensure poorly educated high school graduates look better than they really are.

To adapt to these changes (and cover up this deception) state college administrators were forced to weaken the college entrance requirements of their postsecondary institutions to enable the “lagging” graduates a more seamless admission to these schools.²⁹ This was accomplished by the U.S. Department of Education, through its Race to the Top program, when it pressured state boards and departments of elementary and secondary education to eliminate most remedial courses. This had the effect of degrading the content of most entry-level courses at state-run secondary institutions. Other states are planning to hide their remedial education courses in “co-requisite courses” in which the remedial instruction is given at the same time as the entrance level course material. This scheme replaces the prerequisite remedial courses that previously had the unfortunate but necessary effect of delaying a student's progress by one-year. Math professors in Kentucky have been in an uproar over one such co-requisite plan.³⁰

5.2 How Will Common Core Affect Private Schools?

Given the aforementioned characteristics of CCSS, one might expect private schools not bound by coercion of the U.S. federal government would resist these standards and tests. Unfortunately,

²⁸ Richard P. Phelps and R. James Milgram, *supra* note 8, pp. 25 – 26.

²⁹ R. James Milgram and Sandra Stotsky, *supra* note 14, p. 12.

³⁰ Richard Innes, “National attention focusing on Kentucky's math professor revolt,” *Blue Grass Institute Education Blog*, November 9, 2015, <http://www.bipps.org/national-attention-focusing-on-kentuckys-math-professor-revolt/>.

that has not been the case. For one thing, the proponents of CCSS misrepresented the standards and their implementation to make them appear to be a good solution to well-known low performance levels in the nation's K-12 public schools. It seemed likely such a reform would also improve private schools.

In the case of Catholic schools, an additional motivation was financial in nature. The Bill & Melinda Gates Foundation made at least one grant exceeding \$100,000 to the National Catholic Education Association (NCEA) to aid implementation of CCSS in NCEA member schools.³¹ NCEA put out a statement on CCSS demonstrating a weak understanding of the history of these standards. The statement says, for example, the standards were formulated by a "state led, bipartisan effort."³² In reality, as noted earlier, these standards were written by a small group of politically progressive educators who deceived a group of (yes, bipartisan) governors into approving their plans.

Not all Catholic Educators support CCSS. The Cardinal Newman Society, which focuses on "promoting and defending faithful Catholic education," has been steadfast in its opposition to CCSS. John Niemann, the Headmaster of one of its member schools put it this way: "The Common Core is irrelevant to Chesterton Academy [because] its standards are far below those we have set for ourselves."³³

5.3 Privacy Concerns

Scholars and the general public are rightly concerned that states adopting CCSS and their associated assessment systems will expose students to invasions of privacy. Common Core is a gateway to the collection of enormous amounts of data about students, their home lives, and even their parents, much of which traditionally has been off-limits to government agencies.

Under CCSS, data sent to the assessment consortia are made available to the federal government and various private entities, but ironically, not to parents.³⁴ Much of the CCSS data focuses on student attitudes and dispositions, not academic knowledge, and information of this sort is more sensitive and controversial, and therefore customarily deemed confidential, than simply "test scores."

Being able to track a child's academic performance from preschool to college may provide educators and researchers valuable information to improve instruction or evaluate the effectiveness of different education "inputs" such as teacher quality, curriculum, and use of distance learning technologies. However, such use of "big data" also invites abuse. Emmett McGroarty, Joy Pullmann, and Jane Robbins wrote in 2014,

³¹ Joe Giganti, in *Catholic Education Daily*, November 6, 2013.

³² Statement on Common Core State Standards by the National Catholic Education Association, http://www.ncea.org/sites/default/files/documents/ncea_commoncorestatestandards_053113.pdf.

³³ John Niemann, quoted in *Catholic Education Daily*, November 5, 2015.

³⁴ Karen Gray, "Nevada Officials Say Seeing Student's Records Will Cost Dad \$10,000," *School Reform News*, September 2014, p. 10.

As technology advances, initiatives from government, private entities, and public-private partnerships have sprung up to eliminate the technical obstacles to increased data sharing. Although the ambitious inBloom project has faded in the face of withering parental criticism, other projects abound: the Workforce Data Quality Initiative, Unified Data Standards, MyData, ConnectEd, student-unit records, and private companies' education apps "donated" to schools in exchange for access to student information. This treasure trove of student data is a hugely tempting target for hackers, who have already begun their assaults.³⁵

The same authors warn,

None of the privacy protections currently in place promises reliable protection of student data."³⁶ They call for laws that "grant parents control over the collection and disclosure of their children's data. And parents must educate themselves about what is really happening in the schools, so that they can know what types of data are being collected and what is done with it. Parents must be empowered to draw the line."³⁷

6.0 How to Overcome Common Core Standards and Testing

6.1 Distinguishing Purposes of Curricula, Standards, and Tests

Given all these problems with Common Core and in light of the strong public support for replacing the government-imposed curriculum and tests, policymakers and parent groups have been pressing for change. Do these stakeholders need to seek new combinations of standards, curricula and tests? Or should they consider the recently discarded state standards, curricula and tests that CCSS replaced? Perhaps they can start with the old and improve it? One possibility is simply to use the old system with one change: Higher cut-scores consistent with higher performance standards. So, for example, in the author's own state of Massachusetts he has recommended increasing the cut-scores for the MCAS tests used in 10th grade while leaving untouched the tests for the elementary and middle school grades.

If the goal is that of implementing a viable, comprehensive set of curricula, standards, and tests there are very few alternatives. Most available curricula do not have nationally standardized tests attached to them, and the standardized tests do not have curricula written specifically to match the implicit standards behind the tests. It is a straightforward exercise, however, to compose the curricula behind any standardized test and there are a number of them to choose among. If such a first provisional curriculum is found inadequate, state officials can augment it and create additional testing to measure performance in the augmented areas.

There are, additionally, some good options for states and educators to explore in replacing Common Core. As one tool in evaluating the alternatives, many educators and other stakeholders

³⁵ Emmett McGroarty, Joy Pullmann, and Jane Robbins, "Cogs in the Machine: Big Data, Common Core, and National Testing," *Pioneer Institute White Paper #114*, May 2014, <http://pioneerinstitute.org/download/cogs-in-the-machinebig-data-common-core-and-national-testing/>.

³⁶ *Ibid.* p. 1.

³⁷ *Ibid.* p. 2.

of American K–12 education recognize as substantial and rigorous the standards used in the NAEP. States might consider them as they develop their own content standards, but the terms of the legislation establishing the NAEP require limited testing and prevent it from being used as any state’s assessment.³⁸ Otherwise, it could be interpreted as an unwanted and prohibited national curriculum.

Another important consideration in the testing of high school students, particularly in the 11th and 12th grades, is the dual purpose of some of these assessments:

- First, education stakeholders want to know how well students have learned their K-12 curriculum. This is, in the nomenclature of psychometrics, a retrospective measurement of student skills and knowledge.
- Second, colleges want to know whether the student has the aptitude and demonstrated ability for college. In terms of psychometrics, this kind of testing is prospective.

States and other stakeholders will want to attend to all these considerations in evaluating the various high school standards and related achievement tests currently on offer.

It’s important to acknowledge achievement tests have multiple uses. One critical aspect of achievement tests is their use in fulfilling NCLB testing requirements, which the national government uses to evaluate whether states, districts, and individual schools are “adequately” educating students and thus eligible for federal funding. The “dumbing down” of states’ student achievement tests in order to ensure qualifying for federal money was one of the problems that led to the push for Common Core in the first place.

Government schools, moreover, are not the only customers for achievement tests. Private schools, local public schools, homeschools, and individual families also often seek testing services that can report on student performance levels in various subjects. A good list of tests, from various vendors, can be obtained from *The Homeschool Resource*.³⁹

Given the drift of many K-12 academic standards toward the political left, there is a need for national tests as well as state-level assessments that are more representative of traditional academic standards. We encourage testing experts and education entrepreneurs to consider this as an opportunity not only for financial profit but also for societal benefit.

³⁸ The legislation establishing the NAEP can be found at <https://www.nagb.org/naep/naep-law.html>

³⁹ Tina Hollenbeck, *The Homeschool Resource Roadmap*, <http://hsroadmap.org/standardized-tests/>.

6.2 What Standardized Tests States Are Using

There already exist a number of standards and their associated testing systems, used by states across the nation, that are well respected and are neither under federal government control nor restrictively aligned⁴⁰ with CCSS. Those states include:

- Oklahoma and South Carolina use the *ACT* organization's tests.
- Indiana, Texas, and Virginia use tests from *Pearson* adapted to cover their standards.
- Missouri and Nebraska use tests from *DRC* adapted to cover their standards.
- Oklahoma uses tests from *Measured Progress* adapted to their standards.

Several states already are using ACT tests as a primary assessment mechanism and would find it rather easy to abandon any commitment to Common Core. ACT content standards have been more traditional, research-based, and supportive of college readiness than Common Core, which has not been validated by significant peer-reviewed research.

Until recent years there have been only two assessments done in high school that have also been used for college admission: The SAT and the ACT. Common Core architect David Coleman, as we mentioned above, now controls the SAT and has degraded its utility leaving the college testing market mostly to ACT. There are no other vendors currently offering such tests. A report from no less than Pearson itself attests to this lack of college entrance testing vendors.⁴¹

Many other standards and tests used for state adherence to the NCLB legislation that we have reviewed lack the quality of the NAEP or ACT.

In terms of use among the states, the vendor Pearson Education offers the most testing systems and notably is flexible in aligning its tests to the customer state's own standards. States that are part of CCSS sometimes use tests other than those from the official CCSS tests: SBAC or PARCC. Kentucky, Minnesota, North Carolina and New York are CCSS states that use Pearson for most of their required assessments. This same vendor also provides tests for Indiana, Texas and Virginia that each have their own standards.

Perhaps most important to this discussion is the fact that Pearson has partnered with ACT to produce its Aspire series of tests, which according to our sources cover a broader set of standards and curricular items than CCSS.⁴² This means Aspire is not restrictively aligned.

⁴⁰ We use the phrase "restrictively aligned" to mean a purposeful change in elements of the standards and tests such that the Common Core State Standards would be covered with a negligible number of elements outside of CCSS. There is some confusion when the concept of "overlap" of standards is labelled "alignment." Almost all K-12 standards will have significant overlap and significant differences with CCSS.

⁴¹ Julie Miles and Leslie King, *Adopting Standards on Assessments that Prepare Students for College and Career*, their report can be accessed on the Pearson company website at:

http://researchnetwork.pearson.com/wpcontent/uploads/Adopting_Standards_on_Assessments2.pdf

⁴² The website of the ACT - Pearson partnership explains in somewhat more detail their relationship. Access it at: <https://www.discoveractaspire.org/about-us/foundations-firsts/>.

Data Recognition Corporation provides the official assessments for five states. Of them, Georgia, Pennsylvania and Wisconsin adhere to the CCSS while Nebraska and Missouri have their own standards. Like Pearson, this firm seems happy to provide tests according to a state's specification and seems agnostic about what standards "to believe in."

Vendor Questar provides assessments for one state in CCSS, Missouri, and one state outside of them, Indiana. This indicates their adaptability to cover different standards in the tests they offer.

Two remaining vendors that operate in more than one state are the non-profits American Institutes of Research and the Achievement & Assessment Institute. They seem to work exclusively in CCSS states so we presume their tests are aligned to those inferior standards.

Of the vendors operating in only one state, we call attention to Measured Progress, that had provided tests for Massachusetts MCAS standards prior to its adoption of the PARCC tests. Among state testing systems they were the best of the "bunch" with rigorous standards in lower elementary grades but were inadequate at the high school level. Recently Massachusetts education authorities decided to abandon PARCC testing and the CCSS standards at the high school level in favor of a new MCAS test but the new testing vendor has not yet been chosen. The new test will be an augmentation of their current CCSS test PARCC. We interpret this to be a defacto abandonment of the Common Core. Measured Progress currently operates in only one state: The non CCSS state of Oklahoma.

Test developers are becoming aware of the degradation of the SAT and the uncertain future of the ACT. As a result they are beginning to develop new tests that can be used for college entrance purposes as well as for the documentation of K-12 achievement. *Vector ARC* is one such test that began beta testing as this booklet was being written.⁴³

Other testing systems exist that are not currently used by any states for their official assessments but are attached to curricula and could be considered include the following:

- *The International Baccalaureate* program for primary, middle, and secondary school levels.⁴⁴
- *K12, Inc.*, which offers online instruction across the country.⁴⁵
- *A Beka Academy*, which provides its Christian-oriented services and materials nationally.

Two additional curricula currently have no standardized tests attached to them but are popular among homeschoolers and private schools:

- The *Hillsdale Academy Reference Guides* covering the years K–12. The Hillsdale Guides have been used in hundreds of schools in all 50 states and abroad.

⁴³ Julie West, *supra* note 1.

⁴⁴ The International Baccalaureate program offerings, including testing, are described at: <http://ibo.org/en/programmes/diploma-programme/assessment-and-exams/>

⁴⁵ K12, Inc. offers many instructional and testing programs. See <http://www.k12.com>

- ***The Well Trained Mind***, a book describing academic content for home educators providing a classical education in the Trivium format.

We imagine market forces will also drive other testing and curriculum vendors to enter this space.

6.4 The ACT Standards and Tests as an Interim Solution

In the meantime, there is at least one alternative to the Common Core standards and tests that states can implement now: the ACT organization’s standards and batteries of tests, which include the ACT College Test and the ACT Aspire tests that together cover grades 3–12. ACT is a nonprofit, private organization relatively immune to federal pressure, and it has well-regarded testing programs and content standards that could help satisfy the desire for a set of standards that are simultaneously national, reputable, and voluntary.

The traditional ACT tests, including its Aspire series, have led to a number of benefits for students, parents, educators, and taxpayers. ACT tests are research-based and measure the likelihood a high school graduate will succeed in college. In the nomenclature of ACT tests, a student is “On Track” to be “college ready” if that student performs above specified benchmark scores (cut scores) on tests. For each participating school, ACT reports how many students in each tested group or subgroup would perform at a college-ready level or are on track to do so. In many ACT subject areas, particularly mathematics and reading, criteria for being On Track are similar to NAEP’s criteria for being Proficient.

Asora Education Enterprises compared some recent years’ ACT tests with those of the NAEP. At the eighth and 12th grade levels, Asora found the primary NAEP figure of merit, the *proficiency percentage*, is in the same range as ACT’s figure of merit, the *percent on track to be college ready*. A 2016 Asora report elaborated on this analysis.⁴⁶ In another study, we examined testing done in Maryland, Virginia, and Washington DC in the years before CCSS could affect any results, comparing state testing proficiency results to those of NAEP.⁴⁷ It found that these jurisdiction’s testing results were grossly inflated compared to the NAEP proficiencies reported for them. It also estimated proficiencies of economically disadvantaged children and found, contrary to popular opinion, that District of Columbia schools are no worse than those of the adjoining states.

Our studies of state standards thus indicate the results of the ACT tests roughly track those of NAEP.⁴⁸ Many educators label the NAEP tests as the “gold standard” of K–12 assessments. The

⁴⁶ David V. Anderson, *Mapping Proficiencies of NAEP to ACT*, Asora Education Enterprises, June 16, 2016, <http://asoraeducation.com/page35/page40/page40.html>.

⁴⁷ David V. Anderson, *It Takes More Than a Village, Guidebook and Resources for Parents in Maryland, Virginia and Washington DC*. Attleboro, MA: Asora Education Enterprises. Guidebooks for Bristol County, Massachusetts; Orange County, California; and Shelby County, Tennessee, are also available at asoraeducation.com.

⁴⁸ Anderson, *supra* note 46.

ACT standards and tests are also held in very high regard by professionals in the field, but now the mixed signals from the ACT organization have raised some doubts about their future.

At present, the ACT testing programs and the standards behind them could provide Americans with much of what they desire in a set of state-level education standards and tests. A caveat is in order, however: Although ACT currently has significantly higher academic standards than CCSS, it may yet become entangled with Common Core. Our efforts to elicit information about ACT's current standards and testing policies paint a mixed picture. On the one hand, we have found ACT to be a very competent professional organization working to improve and expand its standards and testing to measure the probability of student success in entry-level college courses. On the other hand, ACT's inconsistent use of the word "alignment" has raised concerns the organization might bend its future testing policies and practices to be more consistent with CCSS.

In fact, an ongoing concern of many stakeholders is that the ACT standards and tests are already "aligned" with those of CCSS.⁴⁹ The process ACT uses to develop its standards and tests, however, makes this unlikely. ACT conducts its *National Curriculum Survey* to inform this process every three to five years. The most recent was conducted just this year, in 2016.⁵⁰ ACT's most recent prior "survey" was done in 2012, before the CCSS could infect the organization's procedures. Thus it is likely the ACT testing systems are not currently restricted to the CCSS, and we are guardedly optimistic they will remain independent of them.

What we find troubling about ACT's standards and testing are the mixed messages in the descriptions ACT gives for its tests. ACT testing professionals claim their tests remain true to the organization's traditional methodologies for selecting questions and cut scores, which would preclude any direct influence of CCSS. Yet in other places ACT representatives claim alignment with CCSS, which under the common definition of the word "alignment" would suggest their tests have been modified to conform to CCSS. As noted above, this is not likely. At the very least, however, ACT has been confusing its existing and prospective customers through the inappropriate use of the word "align."

Our recommendation to ACT is this: If you want to serve both sets of standards, it would be helpful to have a separate system that would measure performance against CCSS. Maybe call it the Core Standards Test (CST), which would allow prospective users a better understanding of what they are being offered.

Another possible problem with the ACT Aspire tests is that their figure of merit, the percent on track to be college-ready, may have been calculated under the false assumption that there was no significant level of high school dropouts lowering the cohort population tested in eighth grade.⁵¹

⁴⁹ Blake Neff, "The ACT Can't Decide Whether It Likes Common Core Or Not," *Daily Caller*, August 2, 2016. Access it at

<http://dailycaller.com/2016/08/02/the-act-cant-decide-whether-it-likes-common-core-or-not/>

⁵⁰ Details about the 2016 ACT National Curriculum Survey can be accessed at

<http://www.act.org/content/act/en/research/national-curriculum-survey.html>.

⁵¹ Anderson, *supra* note 46.

Another potential hazard is that ACT's methodology involves longitudinal studies of subsequent college performance in entry-level courses, which may fall victim to CCSS indirectly. ACT's methodology would be "dumbed down" by the CCSS coercion placed on state-run colleges to make their entry-level courses easier. ACT will have to find remedies for this, such as using data from private colleges only. A partial solution, which we have communicated to ACT officials, would be for the organization to report different benchmark scores according to college type. Two-year community colleges, four-year state controlled institutions, and private colleges might be separately represented. That would likely lead to a detrimental lowering of the corresponding benchmark scores for the first two of these college types because of CCSS interference with their operations. CCSS should not have a significant effect on private colleges, on the other hand, unless they freely choose to lower their standards accordingly.

Citizens worried about national government overreach need not be particularly concerned about local public schools using ACT testing programs, because they are not controlled by Washington and are relatively immune to national government interference. Concerns about overt federal control of education have even placed limits on NAEP itself: NAEP is prohibited from local school-level testing and is limited to using sampling methods to generate its statewide and district-wide results. States freely choosing ACT would not be complicit in a federal-government-imposed regime of curriculum, standards, and testing.

ACT has expanded its K–12 testing programs to include all grade levels from 3rd to 12th. We are guardedly confident the ACT standards and tests will remain uncorrupted by CCSS going forward. States that want to get away from the troubles of Common Core might consider using ACT and other such tests and develop their curricula and standards accordingly. We encourage states, local educators, private schools, homeschools, tutors, and anyone interested in academic performance levels of students in K–12 education to seek out these superior alternatives.

7.0 Conclusions

Many of the promises behind the Common Core State Standards, especially the claim they would be voluntary, have been broken. Although we see its "official" sponsors as seemingly well-intentioned at the time of its conception, Common Core has been tainted derailed by unwise and illegal tactics, most notably the U.S. Department of Education apparently having violated several federal laws by imposing the curriculum nationally.

Among those states using Common Core, many are unaware their efforts are subverting traditional K–12 education standards. Many naively believe they are replacing poor standards with better ones. A closer look shows degradation masquerading as reform. The Common Core reading and mathematics standards are significantly weaker than what many states had used previously.

In sum, the Common Core State Standards, that many had hoped would replace "dysfunctional" state testing systems with something more rigorous, are not only incomplete but are eroding the

nation's K–12 content standards. Common Core is failing, both legally and academically, as detailed in the above-mentioned Pioneer Institute book *Drilling through the Core*.⁵²

Those of us who have studied the academic proficiency of K–12 public school students have not observed any pervasive dysfunction in the traditional curricula. Instead, we find students have not learned the content intended for them. The solution should concentrate on better testing, better instruction, and better student incentives, not wholesale changes to curricula and testing. In terms of testing, ACT and many of the other vendors mentioned in this study provide far superior alternatives to Common Core.

Acknowledgments

This booklet benefited significantly from the contributions of others. We are grateful to Wayne J. Camara, ACT's Senior Vice President for Research, who provided us many details about ACT testing practices and policies. Ed Colby, Senior Director of the ACT Public Relations office, is thanked for the help he provided. We benefited from correspondence with Prof. James Milgram of Stanford who served on the CCSS Validation Committee and who refused to sign its "approval" document. We thank Richard P. Phelps who, as an expert in academic testing, helped us with many of the finer points regarding the history of CCSS and how its development was affected by a number of ACT influences and connections. Last, we appreciate the information provided to us by Richard L. Sawyer who is a retired Senior Research Scientist from the ACT organization. We thank the many others, too numerous to list here, who also helped us generate this report.

⁵² Peter W. Wood, *supra* note 2.

About the Author

David V. Anderson is a retired research physicist and Fellow of the American Physical Society. Previous to that, Anderson taught high school mathematics and physics. Since taking early retirement from the Lawrence Livermore National Laboratory, he has worked in a number of policy areas, mostly related to K–12 education. He had been a Senior Fellow and then a Policy Advisor with The Heartland Institute until the journalistic practices therein interfered with his work. On a part-time basis, he also occasionally works as a physicist in the field of missile defense.

His small education consulting firm, Asora Education Enterprises (<http://www.asoraeducation.com>), offers services in a number of areas, including:

- *School design.* Asora has developed a business plan to establish networks of “bricks and mortar” schools that use blended instruction and franchising or licensing arrangements.
- *Assessment analysis.* Asora has an applied mathematical mapping process that allows local student proficiency levels to be estimated in a way similar to reports issued by NAEP or ACT. The mapping process uses as input state-reported proficiency levels that are typically exaggerated, then makes estimates of performance against NAEP and ACT.
- *Research activities.* Asora also engages in related research. It is available to work under contract and operates a speakers bureau that can make presentations in its areas of expertise.

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Back Cover

Overcoming Common Core With Honest Academic Standards

ACT’S MANY TESTS ARE GOOD ALTERNATIVES

Common Core State Standards, which some educators hoped would replace “dysfunctional” state testing systems with something more rigorous, are not only incomplete but are eroding the nation’s typical K-12 content standards. Common Core is a failed system, both legally and academically.

Although seemingly well intentioned at the time of its conception, Common Core was derailed by unwise and arguably illegal tactics. The standards are weaker than what many states had been using previously. They are also illegal, with the U.S. Department of Education having violated several federal laws by imposing a national curriculum.

Fortunately, there is at least one suitable replacement already in operation. States that want to get away from the troubles of Common Core should consider using ACT and other such tests and develop their curricula and standards accordingly.