

April 26, 2013

The Honorable Tom Harkin

Chairman, Subcommittee on Labor, Health and  
Human Services, and Education  
Senate Appropriations Committee

The Honorable Jerry Moran

Ranking Member, Subcommittee on Labor, Health  
and Human Services, and Education

Senate Appropriations Committee

Dear Chairman Harkin and Ranking Member Moran:

We ask that the Fiscal Year 2014 Labor, Health and Human Services, and Education Appropriations Bill include language to restore state decision-making and accountability with respect to state academic content standards. The decision about what students should be taught and when it should be taught has enormous consequences for our children. Therefore, parents ought to have a straight line of accountability to those who are making such decisions. State legislatures, which are directly accountable to the citizens of their states, are the appropriate place for those decisions to be made, free from any pressure from the U.S. Department of Education.

While the Common Core State Standards Initiative was initially billed as a voluntary effort between states, federal incentives have clouded the picture. Current federal law makes clear that the U.S. Department of Education may not be involved in setting specific content standards or determining the content of state assessments. Nevertheless, the selection criteria designed by the U.S. Department of Education for the Race to the Top Program provided that for a state to have any chance to compete for funding, it must commit to adopting a "common set of K-12 standards" matching the description of the Common Core. The U.S. Department of Education also made adoption of "college- and career-ready standards" meeting the description of the Common Core a condition to receive a state waiver under the Elementary and Secondary Education Act. Race to the Top funds were also used to fund two consortiums to develop assessments aligned to the Common Core and the Department is now in the process of evaluating these assessments.

We ask that you eliminate further interference by the U.S. Department of Education with respect to state decisions on academic content standards by including the following language in the Fiscal Year 2014 Labor, Health and Human Services, and Education Appropriations Bill:

Sec. \_\_. (a) Funds appropriated under this Act or any prior Act shall not be used by the Secretary of Education—

(1) to directly develop, implement, or evaluate multi-State or other specified standards (defined in this section as any set of academic content standards common to multiple States, including the Common Core State Standards developed by the National Governors Association Center for Best Practices and the Council of Chief State School Officers, or any other specified set or type of academic content standards selected by the Secretary) or assessments aligned with such standards;

(2) to award any grant, contract, or cooperative agreement that requires or specifically authorizes the development, implementation, or evaluation of multi-State or other specified standards, or assessments aligned with such standards;

(3) to condition any award of funds to a State on the adoption of multi-State or other specified standards, or to include, as a component of an application for Federal funds, a requirement or preference related to multi-State or other specified standards; or

(4) to enforce any provision of a waiver issued by such Secretary under section 9401 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7861) related to the adoption of multi-State or other specified standards.

(b) Nothing in subsection (a) shall be construed to limit the discretion of an individual State to use funds provided through a grant, contract, or cooperative agreement for any uses that are authorized under the grant, contract, or cooperative agreement, if the State so chooses.

Thank you for your consideration of our request.

Sincerely,