

December 1, 2015

RE: ESEA Reauthorization – Ramming Through a Bad Deal for America’s Children

Dear Member:

A secretive, “smoke-filled room” process that excluded parents of millions of public schoolchildren and the vast majority of their elected representatives has resulted in revisions to the Senate and House ESEA reauthorization bills. The final version of the compromise bill (dubbed the Every Student Succeeds Act, or ESSA), released at 9:30 AM on November 30, is 1,061 pages long and confirms that ESSA must be defeated.

[More than 200 grassroots groups and experts](#) across the nation have expressed their adamant opposition to any ESEA reauthorization based on the House and Senate bills. Nothing in the final bill lessens that opposition. Attached are comments about what the draft ESSA says on certain key issues: standards (including so-called restrictions on the Secretary’s power), assessments and, from Dr. Karen Effrem, preschool. These are only a few of the many deficiencies that make this bill absolutely unacceptable to millions of American parents.

A House vote is tentatively scheduled to take place in the next two or three days. **This is absolutely unacceptable.** Congressional leadership appears to be replicating the Obamacare debacle in the realm of education. No bill that is over 1,000 pages long should be passed without, at a minimum, sufficient time to analyze and understand it.

Congressional leadership should allow the American people at least one week per every hundred pages to examine ESSA and make their views known to their senators and representatives. Anything less would show that leadership wants to ram this bill through quickly, before the people have time to read and understand it. We are confident that Speaker Ryan, having already expressed his intent to improve transparency in the House, will allow sufficient time for review of this reauthorization.

We are also confident that once you understand these provisions and realize ESSA ensnares even more children in a web of highly progressive, federally dictated education policy, you will oppose this bill.

This bill MUST be voted down. While much of the Common Core system with its associated tentacles was implemented via regulatory fiat without congressional vote or oversight, **a vote for this bill will be seen as your affirmation of all that is wrong with federal interference in education.** This system is harming students, teachers, school boards, local districts, and states.



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Thank you for your concern for the children of America and for your consideration of this letter.

Sincerely,

A handwritten signature in blue ink that reads "Emmett J. McGroarty". The signature is written in a cursive style with a long horizontal stroke at the end.

Emmett McGroarty
Director, APP Education

Regardless of Supposed Limitations on the Secretary's Power to Impose Standards, the Bill Requires the Federal Government to Evaluate and Approve Standards that Must Meet Alignment Requirements

Although the reauthorization appears to prohibit the Secretary from dictating state standards, that language is similar to language in No Child Left Behind (NCLB) that the Secretary ignored in pushing Common Core and aligned assessments onto the states. As in NCLB, **THERE IS NO ENFORCEMENT MECHANISM FOR THE STATES TO USE IN CHALLENGING THE SECRETARY'S VIOLATION OF THE PROHIBITIONS.** So there is no assurance that a future Secretary won't do exactly what this one did.

Moreover, ESSA heavily influences standards *within the bill itself*. In the first place, it requires state plans – which include standards, and which must be approved by the Secretary – to coordinate with *11 different federal statutes*, including the statutes governing workforce development and Head Start [Section 1005, amending Section 1111(a)(1)(B), pp. 56-57]. This requirement will be statutory – a state must comply with it regardless of what the Secretary does or doesn't do.

ESSA continues with its prescriptions: A state's standards must align with higher-education requirements and with "career and technical education standards":

■ "(D) ALIGNMENT.-

In general - Each State shall demonstrate that the challenging State academic standards are aligned with entrance requirements for credit-bearing coursework in the system of public higher education in the State and relevant State career and technical education standards. [Section 1005 (amending Section 1111) (b)(1)(D), p. 48]

This means the standards must align to the federally approved standards implemented pursuant to the Workforce Innovation and Opportunity Act.

The required higher-education alignment is puzzling, because the entrance requirements of community colleges obviously differ from those of four-year universities. Presumably, states will align their standards to the least demanding higher-education requirements (as Common Core does), especially considering this:

"(B) Same Standards.-Except as provided in subparagraph (E), the standards required by subparagraph (A) shall-

(i) apply to all public schools and public school students in the State; and with respect to academic achievement standards, include the same knowledge, skills, and levels of achievement expected of all public school students in the State." [Section 1005 (amending Section 1111) (b)(1)(B), p. 48]

All these statutory alignment requirements will put downward pressure on the states to keep low-quality, community-college-focused standards like Common Core.



The Mandates Regarding Assessments Will Lock in Common-Core-type Standards and Intrusive, Psychologically Profiling Assessments

The reauthorization continues the federal testing mandates. Assessments in English language arts and math must "be administered – (aa) in each of grades 3 through 8; and (bb) at least once in grades 9 through 12 [Section 1005 (amending Section 1111(b)(2)(B)(v)(I), p. 54]

It also continues the requirement for "brave new world" assessments that operate more as brain maps than as tests of academic knowledge. The required assessments must:

"(vi) involve multiple up-to-date measures of student academic achievement, including measures that assess higher-order thinking skills and understanding, which may include measures of student academic growth and may be partially delivered in the form of portfolios, projects, or extended performance tasks; [Section 1005 (amending Section 1111) (b)(2)(B)(vi) p. 54]

See <http://www.breitbart.com/big-government/2015/07/11/lamar-alexanders-no-child-left-behind-rewrite-will-not-rein-in-federal-control-of-education/>.

This requirement for "higher order thinking" skills testing is particularly concerning when read with the "accountability system" language:

Accountability systems must include "not less than one indicator of school quality or student success that (aa) allows for meaningful differentiation in school performance; (bb) is valid, reliable, comparable, and statewide . . . which may include measures of - (I) Student engagement; (II) Educator engagement; (III) Student access to and completion of advanced coursework; (IV) Postsecondary readiness; (V) School climate and safety; and (VI) any other indicator the state chooses that meets the requirements of this clause." [Section 1005 (amending Section 1111) (c)(4)(B)(v)(II), p. 85]

As reported by *Education Week*, "it's not unreasonable to assume that states could use the 'any other indicator' language to support inclusion of students' social and emotional skills, grit, or growth mindsets in their accountability models. Under a unique local-level waiver from the current version of No Child Left Behind, a group of California districts is developing a system that does just that."

See http://blogs.edweek.org/edweek/campaign-k-12/2015/11/esea-deal-opens-trap-door-for-.html?utm_source=feedblitz&utm_medium=FeedBlitzRss&utm_campaign=campaignk-12

Even the strong supporters of “accountability” at *Education Week* understand the subjectivity and potential for bias that using these kinds of psychological assessments would entail. The same article says:

But some may also argue that the proposed new federal education bill may encourage states to judge schools with flawed measures.

That's because researchers who've popularized this work have consistently warned that current measures of student traits are imprecise, imperfect, and subject to all kinds of biases. Or, as researchers [Angela Duckworth and David Yeager put it in a May essay](#) "perfectly unbiased, unfakeable, and error-free measures are an ideal, not a reality."

Duckworth, a University of Pennsylvania associate professor of psychology known for her [research on grit](#), and Yeager, an assistant professor of developmental psychology at the University of Texas at Austin who focuses on [growth mindsets](#), detailed an array of biases that can affect current measures of student traits and skills, making them less accurate.

Despite these qualms, and the appalling unconstitutionality and inappropriateness of having government schools measure these psychological characteristics, this is exactly the kind of assessment ESSA encourages. While ESSA does retain the mild protection that the state assessments may not “evaluate or assess personal or family beliefs and attitudes” in current statute [20 USC §6311(b)(3)(C)(xiv)], the requirement of assessing “higher-order thinking skills” would seem to eviscerate that protection.

In addition, the following language about a school-wide assessment of behavior is ripe for abuse:

(III) a schoolwide tiered model to prevent and address behavior problems, and early intervening services, coordinated with similar activities and services carried out under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.); [Section 1008(b)(7)(A)(iii)(III) – p. 165 – see identical language on pages 169-170 [Section 1009(b)(2)(B)(ii)]

This type of psychosocial assessment and data-mining of ALL our children, not just those accessing IDEA services, makes inBloom (which was shut down due to parental outrage) look mild by comparison. Furthermore, ESSA does all this even though the federal student and family privacy protections, which were already weak, have been eviscerated by regulation.

The federal government has no business mandating any types of assessments, or whether there should be assessments at all. Those are state issues – as is almost everything else in the realm of education.