

"Are You Serious?" Yep, They Are

By Rick Hess on May 17, 2011 7:57 AM | [5 Comments](#) | [Recommend](#)

During the health care debate, House Speaker Nancy Pelosi **was asked** in October 2009: "Madam Speaker, where specifically does the Constitution grant Congress the authority to enact an individual health insurance mandate?"

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Pelosi responded: "Are you serious? Are you serious?" Her press spokesman, Nadeam Elshami, later codified the dismissal, saying, "You can put this on the record. That is not a serious question. That is not a serious question." Pelosi Dems regarded conservative qualms about an expansive federal role as strange and insincere.

Well, now here we are again. This time the issue is budding unrest over the federal role in the Common Core. Of course with Common Core, even proponents have taken pains to argue that this whole exercise is entirely state driven.

While Dems could imagine that they'd accomplish health care reform by jamming it through and then letting it set over time, I don't think even advocates imagine that common standards and assessments will hold up if they become the subject of a fierce, partisan dispute. Nonetheless, the Pelosi-like response of the Common Core-ites to conservative concerns is making a partisan schism increasingly likely.

So, what's the fuss about?

Remember, the General Education Provisions Act **stipulates** (in SEC. 438. ø20 U.S.C. 1232a), "No provision of any applicable program shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution, school, or school system, or over the selection of library resources, textbooks, or other printed or published instructional materials by any educational institution or school system." Common Core skeptics like Cato's **Neal McCluskey** and the Hoover Institution's **Bill Evers** have argued compellingly that rewarding states for adopting the Common Core and funding the consortia to develop Common Core-friendly curricula amounts to "directing" curricula and programs of instruction.

An ED spokesman responded to these concerns in an e-mail chain last Friday, arguing, "Just for the record: we are for high standards, not national standards and we are for a well-rounded curriculum, not a national curriculum. There is a big difference between funding development of curriculum--which is something we have always done--and mandating a national curriculum--which is something we have never done. And yes--we believe in using incentives to advance our agenda." McCluskey's response: "'Incentives' to advance your federal 'agenda' for a 'well-rounded curriculum.'" Like I wrote, if it walks like a duck..."

Jay Greene **noted late last** week that the 1979 law creating the Department of Education makes clear that ED "may not even direct or supervise curriculum." He argued, "I have no idea how the Department could fund the development of curriculum without also exercising some direction and supervision over that curriculum. Nor can the Department justify its current activities by claiming that they are only funding the development of curricular frameworks and instructional materials [because it] is also explicitly prohibited from directing, supervising, or controlling the content of instructional materials."

Common Core enthusiasts regard the prohibitions on federal curricular activity in a narrow "letter-of-the-law" sense; they see them as something to be discreetly ignored or worked around. They regard the precise scope of the federal role as a peripheral issue in a technocratic debate about how we get the "best" standards, curricula, and assessments. Like Pelosi, they don't take seriously the idea that critics might view prohibitions on federal action as essential safeguards, dismissing Common Core skeptics as "extremists" and peddlers of "half-truths."

When it comes to the Common Core, conservatives have thus far been disinterested, allowing Republicans like Jeb Bush Mitch Daniels, and Lamar Alexander to casually wear their Obama-friendly ed reformer hats without worrying about their small-government right flank. Now, it's increasingly likely they'll start feeling pressure from Tea Party-types. On

this count, the two most significant signatures in last week's counter-manifesto were anti-tax impresario Grover Norquist and William Estrada, head of federal policy for the Home Schooling Legal Defense Association. Both are capable of activating list serves to rile up conservatives activists and Republican state legislators.

Some Common Core enthusiasts will see a test of courage for leaders like Mitch Daniels and Lamar Alexander, and will laud them for their "statesmanship" if they disregard small government concerns to stand with Duncan and the Common Core push. But conservative activists will likely see a test of principle; a measure of whether these figures are serious about dialing back Washington or are Bush-style, "big-government" conservatives.

The result? Common Core may morph from something that enjoyed mile-wide, inch-deep support into a partisan issue. We have no trouble imagining conservatives next year wielding the Common Core as another indictment of the Obama administration's inclination to expand the reach of the federal government. At that point, however Republicans fare in 2012, the Common Core becomes a contested partisan marker.

Now, there is a whiff of hypocrisy in the air. The same concerns conservatives are raising about the Common Core should have been in full force during the Reading First debate. While RF focused on setting scientific standards for spending federal dollars, the actual design of the process--and especially the implementation at ED--very much wound up with the Department trying to influence state and district curricular decisions and instructional materials. When the issue was RF, conservatives mostly rolled over obediently for the Bush administration--a precedent which weakens their hand today. But, if you'll recall, the Inspector General ultimately flagged the failure to respect the strictures on federal curricular involvement as a serious problem, and one that helped bring Reading First down. Moreover, failure to defend a principle once doesn't render that principle inoperative.

And to think that the whole Common Core effort got off to a pretty auspicious start. If the feds had stayed out, if the stimulus hadn't provided hundreds of millions in federal bucks, if Race to the Top hadn't pushed this, and if the AI Shanker Institute hadn't been so eager to champion common content and more federal aid, this exercise might have yielded a gradual consensus. Of course, it would've started with ten or fifteen states instead of 40-odd, wouldn't have been such a big deal, and would've taken longer to come together. But it would've had a much better chance of assuaging conservatives and becoming an unexceptional part of the fabric of American schooling.

Ah, well. This is the way we do things in education: where reformers are eager to save the world, immediately; kind-hearted progressives can't imagine why anyone would object to expanding the reach of government if it's for a good cause; and impatience is the order of the day.

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