



Six Things Betsy DeVos Can Do to Show States She Is ‘Certainly Not a Supporter’ of Common Core

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Betsy DeVos announced upon her nomination as U.S. education secretary that she is “certainly not a supporter” of Common Core, even though the organizations she funded and supported through her service are avid proponents of the controversial education reform.

Now that she is sworn in, establishment politicians of both parties and the mainstream media would have Americans believe there is nothing DeVos or President Donald Trump can do to eliminate Common Core because it was adopted by the states.

Here are six actions DeVos could take to begin fulfilling Trump’s promise to get rid of the “disaster” he said is Common Core:

#1: Assure states they can repeal Common Core without penalty from the federal government.

President Trump and DeVos should not – and cannot – *tell* the states to repeal Common Core. To do so would mean they were accepting federal control of education – an area the Constitution reserves for the states and local governments. However, they can guarantee to states wanting to rid themselves of the boondoggle – and its affiliated standards programs – that they will not be penalized by the federal government for doing so.

“I hope Mrs. DeVos will realize that too many states have remained in Common Core because of all the federal pressure and threats – yes, including under ESSA [Every Student Succeeds Act] – that incentivize them to do so,” American Principles Project (APP) senior fellow Jane Robbins

tells Breitbart News. “She should vow to remove those pressure points and make it clear to states that the feds won’t penalize them in any way if they replace Common Core with good standards. If she does that, there may be a stampede for the exits. That would be a great thing for our students.”

#2: Issue guidance that says the Every Student Succeeds Act’s (ESSA) provision that gives the education secretary power over state curricula and tests is not enforceable due to its extremely vague language.

Establishment politicians often claim that ESSA – the most recent federal education law – has repealed the federal mandate for use of Common Core in the states.

They base their pronouncements on the portion of ESSA that states: “The federal government is prohibited from . . . Mandating, directing, controlling, coercing, or exercising any direction or supervision over academic standards that states develop or adopt, including Common Core State Standards.”

Education scholars who have studied the law, however, assert ESSA neither repeals the Common Core mandate, nor prohibits the education secretary from coercing states into adopting the standards. In fact, these experts say ESSA actually does the opposite: it keeps states anchored to the controversial education reform.

“Within the other 1,060 pages of ESSA lurk the provisions that will keep states in Common Core, or something that looks very much like Common Core,” Robbins and Indiana parent activist Erin Tuttle wrote at The Pulse 2016. “The Secretary won’t have to mandate anything, because the other parts of the bill contain the requirements for . . . ‘high standards,’” a phrase that has come to refer to Common Core.

Robbins and Tuttle assert:

[A state’s] plan must be “coordinated” with 11 federal statutes, including the Soviet-style Workforce Innovation and Opportunity Act passed a year ago; the Education Sciences Reform Act, which is all about collecting student data for research; the Child Care and Development Block Grant Act, which adds to the Head Start requirements on preschool standards; and the National Assessment of Educational Progress (NAEP) Authorization Act, which governs the NAEP test that will almost certainly be aligned to Common Core to hide the fact that Common Core-trained students perform poorly on NAEP. Requiring state plans and therefore state standards to coordinate with all these federal statutes means, as a practical matter, states will keep Common Core.

“ESSA, which replaces NCLB, does mandate alignment,” the authors write, quoting the ESSA law and translating the Common Core rhetoric:

“Each State shall demonstrate that the challenging 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.” This is simply another way of saying states must have “college- and career-ready” standards. And as made clear by the U.S. Department of Education’s own materials, “college- and career-ready” means Common Core.

With ESSA's language decoded, the Federalist's Joy Pullmann also observes DeVos could issue guidance that says since ESSA "gives the education secretary dictatorial power over state curricula and tests," but "is so vague on its criteria for doing so, she finds the provision unenforceable until Congress specifies..."

Cato education director Neal McCluskey agrees Trump and a Republican Congress can ensure the regulations associated with ESSA don't "coerce the use of the Core or any other specific standards or tests."

"This has been a real concern," he explains. "While the spirit and rhetoric surrounding the ESSA is about breaking down federal strictures...the statute includes language vague enough that it could allow federal control by education secretary veto."

"A Trump administration would likely avoid that," McCluskey says, and notes as well that Trump's supporters "don't seem inclined to do what Beltway types tell them."

#3: Put forward a plan to eliminate her department.

As DeVos was confirmed in the Senate, Rep. Thomas Massie (R-KY) introduced legislation in the House that would eliminate the federal department of education.

"Neither Congress nor the President, through his appointees, has the constitutional authority to dictate how and what our children must learn," Massie said in a press release announcing his bill that is only one sentence long.

With legislation to that end already introduced, DeVos could reach out to Massie and work with him and the bill's other sponsors to dismantle her department in an organized manner.

Pullmann, author of the upcoming *The Education Invasion: How Common Core Fights Parents for Control of American Kids*, tells Breitbart News, "The way to end Common Core is to end the superstructures that made it not just possible but inevitable."

She urges Trump to send the states' education dollars back to them to allow parents and local citizens to manage them as they see fit.

"Even though Common Core is technically off-limits for federal influence, its successors will soon arise, and they will be worse than Common Core – unless President Trump fulfills his promise to his voters to end Common Core once and for all," she says. "Common Core is a hydra that consumes federal education dollars. The only way to kill it for good is to stop feeding it. Give us our own money and power back, and Common Core will never happen again."

Hillsdale College president Larry Arnn recently confirmed to Breitbart News the ESSA still provides the education secretary with substantial power over the states' education policy and standards.

Arnn said he advises DeVos to devise a plan that ultimately addresses the question, "What are we even doing here anymore? Let's get rid of this department."

“If Betsy DeVos has a lot of power, then her successor would have that, too,” he observed. “So, it would be better to get rid of her successor.”

#4: Address local control of education before school choice.

While school choice is a good concept in general, some financial mechanisms that bring about the “choice” – such as school vouchers – are associated with high levels of regulation for the schools that agree to accept them. If DeVos works to achieve a federal mandate for vouchers, private and religious schools and homeschooling families could be required to submit to the Common Core standards and tests, as well as other federal education mandates.

In a column at *The Hill*, Heartland Institute senior fellow Robert Holland explains the “magnitude of the opposition” facing the new secretary from the grassroots parents’ groups opposing Common Core is not a factor to be ignored.

Holland writes:

As incongruous as it may seem, given DeVos’ championing of a parent’s right to select the best possible school for a child, parents organized in grassroots groups in all 50 states were among the most adamant critics of President Donald Trump’s nominee to lead federal education policy.

On social media, these groups have names such as Stop Common Core in Florida (or New Jersey, or Oregon, or Michigan, or insert your own state). Their reach is enormous. The concern for many of these activists boils down to this: While choice may be desirable, it is not feasible when big government imposes uniform requirements on all schools for such central policies as curricula, testing, and teacher evaluation.

Holland also urges DeVos to make local control of education a priority to pave the way for local school choice programs by announcing her intention to use her authority to free state and local governments from the oppression of federal control.

“A push for federal school vouchers in the current regulatory climate could backfire big-time either by flopping in Congress or, if enacted, drawing more private and religiously affiliated schools into the freedom-killing Common Core web,” he warns. “Having a dedicated school choice activist as U.S. education secretary does not alter the reality choices are properly made in communities and homes, not in Washington, DC.”

#5: Invite onto her staff education experts who are committed to the Constitution’s provision that the federal government has no authority in education.

Holland calls attention to reports of Common Core supporters on DeVos’s staff and observes grassroots parent activists “see DeVos’s longstanding support of powerful organizations that pushed Common Core standards on schools nationwide as rendering null and void any ‘choice’ that might emanate from Washington, DC under her leadership.”

He urges the new secretary to invite onto her staff as well “education scholars who understand the federal government has no constitutional authority to dictate education policy,” and that the U.S. education department should be “phased out of existence.”

#6: *Reverse the Obama administration's regulatory gutting of the Family Education Rights and Privacy Act (FERPA).*

In November of 2015, then-candidate Trump promised to close the loopholes in the federal privacy law to ensure students' personal information remains private.

The Obama administration gutted FERPA in 2013, thus allowing private student and family information to leave schools without parental consent.

In a Pioneer Institute paper titled "Cogs in the Machine: Big Data, Common Core, and National Testing," authors Pullmann and Robbins joined APP education director Emmett McGroarty to reveal the reason for the Obama administration's desire to place a "condition" of student data collection upon states when they applied for 2009 federal stimulus money in Race to the Top applications:

Federal law prohibits USED [U.S. Education Department] from maintaining a national student database... Since the absence of a national database impedes efforts to track citizens and manage the economy by manipulating the workforce, the federal government has for years been building the statutory structure to evade this prohibition. In fact, the law that essentially created the federal role in education also called for databases to monitor compliance with federal law in exchange for federal funds... The federal structure now incentivizes states to build identical—and therefore sharable—data systems, enabling a *de facto* national database.

"Parents may not sue a school that discloses their child's PII [personally identifiable information] in violation of FERPA," the authors say.