

Testimony to the Kansas House Committee on Education  
On House Bill 2621 to repeal and replace Common Core  
February 19, 2014

Thank you for the opportunity to submit testimony. I regret that the hasty manner in which this hearing was called precludes me from giving it in person. My name is Joy Pullmann. I am a mother of three children and an education research fellow at The Heartland Institute. Heartland is a nonpartisan, nonprofit think tank that researches and promotes policies that empower individuals. I speak for myself, because Heartland believes in academic freedom.

The policies this bill addresses—concerning student privacy, education data, and Common Core standards and tests—are central to education and a free republic. Here’s why.

We live in an era where an Xbox can scan and record the heart rate, eye movements, voices, and other activities of up to six people in the room where it sits.<sup>1</sup> Recent disclosures have shown that the National Security Agency eavesdrops on online gamers, including those who use the Xbox platform.<sup>2</sup> It’s not just online games. Online apps mine personal information in and out of school, and the lack of updated privacy laws in this sphere has allowed schools to sell kids’ personal information to marketers without parent knowledge or consent.<sup>3</sup> A Missouri school district is one of several to hook its students up to wristwatch-like body monitors that track heart rate, steps walked, calories burned, and even sleep cycles.<sup>4</sup> U.S. Senator Chuck Schumer recently suggested expanding a federal program that attaches tracking devices to Alzheimer’s patients to include autistic children after one autistic young man went missing from his New York City school for nearly a month.<sup>5</sup>

As technological innovation grows, so does the potential for technology to be used against us. Despite this, the federal government has watered down rather than strengthened the protections for student’s private data: Under new regulations from the U.S. Department of Education, imposed without consulting Congress, any school or state or federal education agency can release a child’s private information collected at school to essentially anyone, including any federal agency, a foundation or other private nonprofit organization, a research group, an individual, or for-profit company.<sup>6</sup> As long as the data were released in connection with an audit or evaluation of a federal or state-sponsored “education program,” they could do so without even informing parents.<sup>7</sup> This is why states must pass laws protecting children from the dangers that

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<sup>1</sup> Jack Neff, “Xbox One’s Data Treasure Trove Could Reshape Marketing,” *Advertising Age* (Oct. 5, 2013): <http://adage.com/article/special-report-ana-annual-meeting-2013/xbox-reshape-marketing/244605/>.

<sup>2</sup> Doug Gross, “Leak: Government spies snooped in ‘Warcraft,’ other games,” CNN, December 10, 2013: <http://www.cnn.com/2013/12/09/tech/web/nsa-spying-video-games/>.

<sup>3</sup> Susan Luzzaro, “Sweetwater district spent big for Arne Duncan visit,” *San Diego Reader*, December 3, 2013: <http://www.sandiegoreader.com/news/2013/dec/03/stringers-sweetwater-district-spent-arne-duncan/>.

<sup>4</sup> “Schools Attach ‘Fat Monitors’ to Students,” Emily Johnston, *School Reform News*, April 2012, p. 5: [http://heartland.org/sites/default/files/newspaper-issues/pdfs/april\\_12\\_sm\\_web.pdf](http://heartland.org/sites/default/files/newspaper-issues/pdfs/april_12_sm_web.pdf).

<sup>5</sup> “Sen. Chuck Schumer proposes placing tracking devices on autistic children,” Corky Siemaszko, *New York Daily News*, November 4, 2013: <http://www.nydailynews.com/new-york/schumer-proposes-placing-tracking-devices-autistic-kids-article-1.1506081>.

<sup>6</sup> 76 Fed. Reg. 75604 (Dec. 2, 2011), available at <http://www.gpo.gov/fdsys/pkg/FR-2011-12-02/pdf/2011-30683.pdf>.

<sup>7</sup> *Ibid.*

come with the promises of a digital era. There is strong public support for this—one recent poll of registered voters found that 91 percent support stronger parental-consent requirements for sharing student data, and 89 percent support tighter security for cloud storage of student data.<sup>8</sup>

The current frenzy to acquire and torture reams of datapoints about small children comes dressed in sensuous clothes. Here, we are told, we may find a silver bullet for diseases of the human heart and mind! With just enough data, surely we can engineer society into perfection. People paying close enough attention smell totalitarianism, with its mechanistic, “expert”-dependent prescriptions for people that never seem to implement well in real life, although they look perfect on paper.

There is a place for collecting student information. It is at the school level. Obviously, a child’s school needs to know his name, address, parents’ names, and so forth. But for what reason does the state need to know such things? I can think of no justification.

Given, however, the highly bureaucratic and highly centralized nature of our present-day, government-run school system, there does seem to be a need for the state to receive student test scores. Since monopolies or monopsonies have essentially no natural accountability, it is necessary to impose upon them external accountability. This is why we now require test scores from schools. So that is a reasonable thing for the state to receive and publish. Managing this does not, however, require that the state should know which specific children are getting which test score. Even federal testing mandates specifically prohibit the federal government from receiving personally identifiable test scores, and take steps (such as limiting the number of children who can be in a subgroup before its information is released) to prevent this.<sup>9</sup> And there is absolutely no justification for taking kids’ personal information away without their consent and using it to create a veritable personal on file with the state for life just because those children wish to attend a public school. They are a captive audience, and their vulnerability should not be exploited in this way (or any other).

Given the acceleration of technological innovation and that egregious abuses of parents’ and children’s rights to their own information have already occurred, it is paramount that states restore to individuals the control over their own information, as this bill does, and quickly.

Now, this issue has come to the forefront because national education standards and tests have laid it bare by creating agreements that give unelected testing officials control over state student data policies. Kansas has, thankfully, avoided that specific concern by dropping national Common Core tests. But there are other things wrong with Common Core besides the data exploitation, and it starts with the loss of representative government that their creation and imposition has heralded.

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<sup>8</sup> Benjamin Herold, “Americans Worried, Uninformed About Student Data Privacy, Survey Finds,” Education Week, January 22, 2014:

[http://blogs.edweek.org/edweek/DigitalEducation/2014/01/american\\_worried\\_uninformed\\_student\\_data\\_privacy.html?cmp=SOC-SHR-TW](http://blogs.edweek.org/edweek/DigitalEducation/2014/01/american_worried_uninformed_student_data_privacy.html?cmp=SOC-SHR-TW).

<sup>9</sup> Glynn D. Ligon and Barbara S. Clements, “The Optimal Reference Guide: Confidentiality and Reliability Rules for Reporting Education Data,” ESP Solutions Group (2008), p. 6: [http://www.espsolutionsgroup.com/espweb/assets/files/ESP\\_Confidentiality\\_Reliability\\_ORG.pdf](http://www.espsolutionsgroup.com/espweb/assets/files/ESP_Confidentiality_Reliability_ORG.pdf).

House Bill 2621 rightly reinstates Kansas as the authority over what Kansas children learn. This is not an outmoded convention that harks back to ye olde days when we had these things called states, with different governments and different laws, all because people couldn't move around very fast on horses. The United States has many jurisdictions of differing sizes by design, because of the basic principle that government is most accountable and appropriate when closest to the people that are supposed to control it—that's the citizenry, of course, not unelected bureaucrats and self-appointed "experts." Further, government is voracious because people naturally desire power, so as James Madison explains in the famous *Federalist 51*, it is necessary to have competing governments that will seek to limit and check each other. "Ambition must be made to counteract ambition," as he says.

Because of this, it is extremely important that U.S. education remain as our constitutions ordain it: a state and local matter. This is an essential way to arrange our affairs so as to better secure our liberty and happiness.

Common Core and the hubristically titled Next Generation Science Standards, then, transgress upon American liberty by trampling all these mechanisms designed to secure it. Did the federal government directly create these? No, but what comfort is that when not only does the federal government hold (illegally, I might add<sup>10</sup>) the keys to Common Core, its national tests?<sup>11</sup> What comfort is that when state lawmakers worry they cannot jettison these "voluntary" mandates without risking a loss of Obama administration displeasure, and therefore a loss of a No Child Left Behind waiver? And what comfort is that when we know that, instead of federal officials at least nominally beholden to voters, these standards were created by special interests that are neither elected nor subject to open records and open meetings laws?

If we were to ignore this great transgression against the American birthright to be ruled only by consent, we still see that it has been traded not for academic mandates that are excellent even if centrally planned and managed. It has been sold for a mess of pottage. Yes—these standards are about worth a pot of beans. Let's take a look.

The science "standards" are the most laughable, and hardly deserve the name. For one, they omit almost all of high school chemistry.<sup>12</sup> In general, but especially in earth and space science, they are vague and therefore little use to teachers. They include almost no math, not even the math essential to understanding science.<sup>13</sup> What math they do include is not fully aligned to Common Core math, even though the standards makers say the opposite.<sup>14</sup> Further, they promote alarmist

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<sup>10</sup> "The Road to a National Curriculum," Robert S. Eitel and Kent D. Talbert, Pioneer Institute, February 2009: <http://pioneerinstitute.org/download/the-road-to-a-national-curriculum/>.

<sup>11</sup> The feds both provide all the funds to PARCC and SBAC and have retained a committee to review and approve the tests themselves, down to the very questions.

<sup>12</sup> "Final Evaluation of the Next Generation Science Standards," Paul R. Gross et al., Thomas B. Fordham Institute, June 2013: [http://www.edexcellence.net/sites/default/files/publication/pdfs/20130612-NGSS-Final-Review\\_7.pdf](http://www.edexcellence.net/sites/default/files/publication/pdfs/20130612-NGSS-Final-Review_7.pdf).

<sup>13</sup> Ibid.

<sup>14</sup> "Commentary on Appendix L: Alignment of the Next Generation Science Standards with the Common Core State Standards for Mathematics," W. Stephen Wilson, Fordham Institute, August 2013: <http://www.edexcellence.net/sites/default/files/publication/pdfs/20130820-Commentary-on-Appendix-L-FINAL.pdf>.

global warming theories<sup>15</sup> and fail the religious neutrality test.<sup>16</sup> The pro-Common Core Thomas B. Fordham Institute says Kansas' previous science standards are "clearly superior."<sup>17</sup>

Common Core math and English are also of mediocre quality. Indeed, their greatest failing is that they do not offer children the very best we know is available. One of the two Common Core lead writers in mathematics, Jason Zimba, told the Massachusetts board of education Common Core graduates students prepared for a non-selective community college.<sup>18</sup> Stanford University mathematician R. James Milgram, who was the only math content expert on Common Core's final review committee, refused to sign his name to it. He says "[B]y the end of fifth grade the material being covered in arithmetic and algebra in Core Standards is more than a year behind the early grade expectations in most high-achieving countries. By the end of seventh grade Core Standards are roughly two years behind."<sup>19</sup> Johns Hopkins University math professor and Common Core math feedback committee member W. Stephen Wilson says the math standards of California, Florida, Indiana, Washington state, and Washington DC are "clearly better" than Common Core's.<sup>20</sup>

The University of Arkansas' Sandra Stotsky was Milgram's counterpart as the only English content expert to sit on Common Core's own validation committee. Common Core's writers refused to provide evidence to the validation committee that research supports the Core and that it is benchmarked to international bests, Stotsky notes.<sup>21</sup> She also critiques the Core's "hard to follow," "low-quality" English language arts standards that constitute "simply empty skill sets."<sup>22</sup> While Common Core shifts students to heavier doses of nonfiction, Stotsky writes "there is absolutely no empirical research to suggest that college readiness is promoted by informational or nonfiction reading in high school English classes (or in mathematics and science classes)."<sup>23</sup> She should know, as she is one of the top world experts on literature and reading education.

Even if Common Core were academically superb—and it is not—the Brookings Institution has found no statistical relationship between a state having high standards and high student achievement. "Every state already has standards placing all districts and schools within its borders under a common regime. And despite that, every state has tremendous within-state

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<sup>15</sup> "Public School Science Standards: Political or Pure?" E. Calvin Beisner, 2013: <http://www.cornwallalliance.org/articles/read/science-standards-political-or-pure/>.

<sup>16</sup> Response of Citizens for Objective Public Education, Inc. (COPE) to 2012 Draft of National Science Education Standards: <http://heartland.org/policy-documents/response-citizens-objective-public-education-inc-cope-2012-draft-national-science-e>.

<sup>17</sup> Gross, *Ibid*.

<sup>18</sup> Minutes of the Regular Meeting of the Massachusetts Board of Elementary and Secondary Education, March 23, 2010: [www.doe.mass.edu/boe/minutes/10/0323reg.doc](http://www.doe.mass.edu/boe/minutes/10/0323reg.doc).

<sup>19</sup> Testimony to the Texas legislature, James Milgram, April 14, 2011: <http://www.house.state.tx.us/video-audio/committee-broadcasts/committee-archives/player/?session=82&committee=460&ram=11041410460>.

<sup>20</sup> "The Common Core Math Standards," Ze'ev Wurman and W. Stephen Wilson, *Education Next*, Vol. 12, No. 3 (Summer 2012): <http://educationnext.org/the-common-core-math-standards/>.

<sup>21</sup> "Invited Testimony on the Low Quality of the Common Core Standards," Sandra Stotsky, Colorado State Board of Education, December 6, 2012: [www.uark.edu/ua/der/People/Stotsky/Stotsky\\_Testimony\\_for\\_Colorado.pdf](http://www.uark.edu/ua/der/People/Stotsky/Stotsky_Testimony_for_Colorado.pdf).

<sup>22</sup> *Ibid*.

<sup>23</sup> "Common Core Standards' Devastating Impact on Literary Study and Analytical Thinking," Sandra Stotsky, Heritage Foundation Issue Brief, December 11, 2012: <http://www.heritage.org/research/reports/2012/12/questionable-quality-of-the-common-core-english-language-arts-standards>.

variation in achievement,” says its report.<sup>24</sup> In fact, an analysis from Stanford University economist Eric Hanushek shows that states with higher standards tend to have lower student performance, when compared on the same test.<sup>25</sup> This is also true internationally: Countries with national standards both perform well and poorly.<sup>26</sup>

I posit that this is because, again, *central planning simply doesn't work*. It didn't in Russia, doesn't in China, is a colossal disaster in healthcare, and an utter dud in education.

No child ever revisits his childhood. Each has just one shot to get a quality K-12 education. It is time to stop feeding kids the Common Core Kool-Aid.

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<sup>24</sup> “How Well Are American Students Learning?” Tom Loveless, Brookings Institution, Volume III, Number 1 (February 2012): [www.brookings.edu/~media/research/files/reports/2012/2/brown%20center/0216\\_brown\\_education\\_loveless.pdf](http://www.brookings.edu/~media/research/files/reports/2012/2/brown%20center/0216_brown_education_loveless.pdf).

<sup>25</sup> “Is the Common Core Just a Distraction?” Eric Hanushek, *Education Next*, May 9, 2012: <http://educationnext.org/is-the-common-core-just-a-distraction/>.

<sup>26</sup> “One Size Fits None,” Jay Greene, *Arkansas Democrat-Gazette*, April 11, 2010: <http://jaypgreene.com/2010/04/11/sandy-and-jay-on-national-standards/>.