

113<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. RES. 345

Strongly supporting the restoration and protection of State authority and flexibility in establishing and defining challenging student academic standards and assessments, and strongly denouncing the President's coercion of States into adopting the Common Core State Standards by conferring preferences in Federal grants and flexibility waivers.

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 6, 2014

Mr. GRAHAM (for himself, Mr. LEE, Mr. GRASSLEY, Mr. SCOTT, Mr. INHOFE, Mr. COCHRAN, Mr. CRUZ, Mr. WICKER, and Mr. ENZI) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions

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# RESOLUTION

Strongly supporting the restoration and protection of State authority and flexibility in establishing and defining challenging student academic standards and assessments, and strongly denouncing the President's coercion of States into adopting the Common Core State Standards by conferring preferences in Federal grants and flexibility waivers.

Whereas education belongs in the hands of our parents, local officials, local educational agencies, and States;

Whereas the development of the common education standards known as the Common Core State Standards was originally led by national organizations, but has transformed

into an incentives-based mandate from the Federal Government;

Whereas in 2009, the National Governors Association Center for Best Practices (NGA Center) and the Council of Chief State School Officers (CCSSO), both of which are private trade associations, began developing common education standards for kindergarten through grade 12 (referred to in this preamble as the “Common Core State Standards”);

Whereas sections 9527, 9529, 9530, and 9531 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7907, 7909, 7910, and 7911) prohibit the establishment of a national curriculum, national testing, mandatory national teacher certification, and a national student database;

Whereas Federal law makes clear that the Department of Education may not be involved in setting specific content standards or determining the content of State assessments in elementary and secondary education;

Whereas President Barack Obama and Secretary of Education Arne Duncan announced competitive grants through the Race to the Top program under sections 14005 and 14006 of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 282) (referred to in this preamble as the “Race to the Top program”) in July 2009;

Whereas, on July 24, 2009, Secretary Duncan stated, “The \$4,350,000,000 Race to the Top program that we are unveiling today is a once-in-a-lifetime opportunity for the Federal Government to create incentives for far-reaching improvement in our Nation’s schools.”;

Whereas, on July 24, 2009, Secretary Duncan also stated, “But I want to be clear that Race to the Top is also a reform competition, one where States can increase or decrease their odds of winning Federal support.”;

Whereas, under the Race to the Top program guidelines, States seeking funds were pressed to implement 4 core, interconnected reforms, and the first of these reforms was to adopt “internationally benchmarked standards and assessments that prepare students for success in college and the workplace”;

Whereas, on July 24, 2009, President Obama outlined the connection between common education standards and Race to the Top program funds, stating, “I am issuing a challenge to our [N]ation’s governors and school boards, principals and teachers, businesses and non-profits, parents and students: if you set and enforce rigorous and challenging standards and assessments; if you put outstanding teachers at the front of the classroom; if you turn around failing schools—your State can win a Race to the Top grant that will not only help students outcompete workers around the world, but let them fulfill their God-given potential.”;

Whereas the selection criteria designed by the 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”;

Whereas Common Core State Standards establish a single set of education standards for kindergarten through grade 12 in English language arts and mathematics that States adopt;

Whereas Common Core State Standards were, during the initial application period for the Race to the Top program, and remain, as of the date of the adoption of this resolution, the only common set of kindergarten through grade 12 standards in the United States;

Whereas, on July 24, 2009, Secretary Duncan stated, “To speed this process, the Race to the Top program is going to set aside \$350,000,000 to competitively fund the development of rigorous, common State assessments.”;

Whereas, since the Race to the Top program’s inception, States have been incentivized by Federal money to adopt common education standards;

Whereas States began adopting Common Core State Standards in 2010;

Whereas States that adopted Common Core State Standards before August 2, 2010, were awarded 40 additional points out of 500 points for their Race to the Top program applications;

Whereas 45 States have adopted Common Core State Standards;

Whereas 31 States, of the 45 total, adopted Common Core State Standards before August 2, 2010;

Whereas States that have adopted Common Core State Standards are given preference in the application process for the waivers issued under the authority of section 9401 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7861) that provide flexibility with respect to certain requirements of such Act;

Whereas States that have adopted Common Core State Standards are currently collaborating to develop common assessments that will be aligned to the Common Core

State Standards and replace existing end-of-the-year State assessments;

Whereas these assessments will be available in the 2014–2015 school year;

Whereas 2 consortia of States are developing common assessments: the Partnership for Assessment of Readiness for College and Careers (PARCC) and the Smarter Balanced Assessment Consortium (SBAC);

Whereas national standards lead to national assessments and national assessments lead to a national curriculum;

Whereas education standards help teachers ensure their students have the skills and knowledge they need to be successful by providing clear goals for student learning;

Whereas challenging academic standards are vital to ensuring students are college and career ready;

Whereas blanket education standards should not be a prerequisite for Federal funding;

Whereas States are incentivized to adopt Common Core State Standards by the explicit correlation between the adoption of the Common Core State Standards by the State and the preference provided to such States through the Race to the Top program and the flexibility waivers issued under the authority of section 9401 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7861);

Whereas the Secretary of Education has created a system of grants and waivers that influence, incentivize, and coerce State educational agencies, commissions, and boards into implementing common elementary and secondary school standards and assessments endorsed by the Secretary;

Whereas when Federal funds are linked to the adoption of common education standards, the end result is increased Federal control over education and a decreased ability of schools to meet the individual needs of the students in their schools;

Whereas the implementation of Common Core State Standards will eventually impact home school and private school students when institutions of higher education are pressured to align their admission and readiness standards with curricula based on the Common Core State Standards;

Whereas the 10th amendment of the Constitution of the United States reads, “The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people”; and

Whereas, throughout the course of United States history, States have maintained the responsibility of education based on the 10th amendment because the explicit power of educating children was not delegated to the United States by the Constitution: Now, therefore, be it

1        *Resolved*, that it is the sense of the Senate that—

2            (1) States and local educational agencies should  
3        maintain the right and responsibility of determining  
4        educational curricula, programs of instruction, and  
5        assessments for elementary and secondary education;

6            (2) the Federal Government should not  
7        incentivize the adoption of common education stand-

1       ards or the creation of a national assessment to  
2       align with such standards; and

3               (3) no application process for any Federal grant  
4       funds, or for waivers issued by the Secretary under  
5       the authority of section 9401 of the Elementary and  
6       Secondary Education Act of 1965 (20 U.S.C. 7861),  
7       that occurs after the date of adoption of this resolu-  
8       tion should award any additional points, or provide  
9       any preference, for the adoption of the Common  
10      Core State Standards or any other national common  
11      education standards.

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