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# Common Core State Standards: Frequently Asked Questions

September 15, 2014

**Congressional Research Service**

<https://crsreports.congress.gov>

R43728

## Summary

Over the last two decades, there has been interest in developing federal policies that focus on student outcomes in elementary and secondary education. Perhaps most prominently, the enactment of the No Child Left Behind Act of 2001 (NCLB; P.L. 107-110), which amended and reauthorized the Elementary and Secondary Education Act (ESEA), marked a dramatic expansion of the federal government's role in supporting standards-based instruction and test-based accountability, thereby increasing the federal government's involvement in decisions that directly affect teaching and learning.

Under the ESEA, states are required to have standards in reading and mathematics for specified grade levels in order to receive funding under Title I-A of the ESEA. In response to this requirement, all 50 states and the District of Columbia have adopted and implemented standards that meet the requirements of the ESEA. Since the ESEA was last comprehensively reauthorized by NCLB, recent developments have taken place that have possibly played a role in the selection of reading and mathematics standards by states: (1) the development and release of the Common Core State Standards; (2) the Race to the Top (RTT) State Grant competition and RTT Assessment Grants competition; and (3) the ESEA flexibility package provided by the Department of Education (ED) to states with approved applications. As of June 2014, 43 states, the District of Columbia, 4 outlying areas, and the Department of Defense Education Activity (DoDEA) had at some point adopted the Common Core State Standards. Indiana, Oklahoma, and South Carolina recently became the first states to adopt and subsequently discontinue use of the Common Core State Standards.

These three changes have substantially changed the elementary and secondary education federal policy landscape. This short report answers common questions related to K-12 accountability provisions under the ESEA, Common Core State Standards, RTT, and the ESEA flexibility package, including:

- What NCLB requirements apply to academic standards and assessments?
- What are the Common Core State Standards?
- How many states have adopted the Common Core State Standards?
- What role has the federal government played in the development, adoption, and implementation of the Common Core State Standards?
- Do states have to adopt and implement the Common Core State Standards?
- What is the difference between standards and curriculum?
- Will the Common Core State Standards lead to national standards, national assessments, or a national curriculum?
- How do the Common Core State Standards relate to teacher evaluation?
- Are there legislative decisions approaching that are potentially relevant to the Common Core State Standards?

A more detailed discussion of the Common Core State Standards and their relationship to RTT grants and the ESEA flexibility package is available in CRS Report R43711, *Common Core State Standards and Assessments: Background and Issues*, by Rebecca R. Skinner and Jody Feder.

## Contents

|   |   |
|---|---|
| Frequently Asked Questions.....   | 1 |
| What NCLB requirements apply to academic standards and assessments?.....  | 1 |
| What are the Common Core State Standards? .....   | 1 |
| How many states have adopted the Common Core State Standards? .....   | 2 |
| What role has the federal government played in the development, adoption, and<br>implementation of the Common Core State Standards? ..... | 2 |
| RTT State Grants.....   | 2 |
| RTT Assessment Grants .....   | 3 |
| ESEA Flexibility Package.....   | 4 |
| Do states have to adopt and implement the Common Core State Standards?.....   | 6 |
| What is the difference between standards and curriculum? .....  | 6 |
| Will the Common Core State Standards lead to national standards, national<br>assessments, or a national curriculum? .....                 | 7 |
| How do the Common Core State Standards relate to teacher evaluation? .....  | 7 |
| Are there legislative decisions approaching that are potentially relevant to the<br>Common Core State Standards? .....                    | 9 |

## Contacts

|                         |   |
|-------------------------|---|
| Author Information..... | 9 |
|-------------------------|---|

## Frequently Asked Questions

This report addresses frequently asked questions related to the Common Core State Standards and federal involvement with the standards. For a more detailed discussion of these issues, please see CRS Report R43711, *Common Core State Standards and Assessments: Background and Issues*, by Rebecca R. Skinner and Jody Feder.

### What NCLB requirements apply to academic standards and assessments?

The No Child Left Behind Act (NCLB) required states participating in ESEA Title I-A to:

- develop and adopt content and performance standards and aligned assessments in the subjects of mathematics and reading in each of grades 3-8 and for at least one grade in grades 10-12 by the end of the 2005-2006 school year, assuming certain minimum levels of annual federal funding were provided for state assessment grants;
- adopt content and performance standards in science (at three grade levels—grades 3-5, 6-9, and 10-12) by the end of the 2005-2006 school year; and
- adopt assessments in science (at three grade levels) by the end of the 2007-2008 school year.

The academic achievement standards must include at least three levels of performance: partially proficient (basic), proficient, and advanced. The same academic content and achievement standards must apply to all students. The assessments must be aligned with the state's academic content and achievement standards. Each state was permitted to select its own reading, mathematics, and science content standards, performance standards, and assessments. Title VI-A of the ESEA provides grants to states to develop and administer the required assessments.

### What are the Common Core State Standards?

Under the provisions of ESEA, states have had the flexibility to select their own content and performance standards. This flexibility has led to the development of different accountability systems in each state. Concerns related to the diversity of accountability systems, student mobility, consistent expectations for students, preparation of students for global competition, and skills students need for employment spurred a grassroots movement led by the National Governors Association and the Council of Chief State School Officers to develop common standards for English language acquisition (ELA) and mathematics in grades K-12. These standards are known as Common Core State Standards, and the effort to develop these standards is referred to as the Common Core State Standards Initiative (CCSSI). According to the CCSSI, “The purpose of this state-led initiative ... is to create a rigorous set of shared standards that states can voluntarily adopt. The standards are crafted to ‘define the knowledge and skills students should have within their K-12 education careers so they graduate from high school able to succeed in entry-level, credit-bearing academic college courses and workforce training programs.’”

Adoption of the Common Core State Standards is optional. However, according to CCSSI, a state is considered to have adopted the Common Core State Standards only if (1) a state adopts 100% of the standards in ELA and in mathematics (word for word), “with the option of adding up to

15% of standards on top of the core” standards, and (2) the body authorizing standards in the state has taken formal action to adopt and implement the standards.

## **How many states have adopted the Common Core State Standards?**

As of August 2014, 43 states, the District of Columbia, 4 outlying areas, and the Department of Defense Education Activity (DoDEA) had adopted the Common Core State Standards.<sup>1</sup> This total does not include Indiana and Oklahoma who recently became the first states to adopt and subsequently discontinue use of the Common Core State Standards. South Carolina has indicated that the Common Core State Standards will be fully implemented for the 2014-2015 school year but will be replaced by “new, high-level College and Career Ready standards” in the 2015-2016 school year.<sup>2</sup> Minnesota has adopted the ELA Common Core State Standards but not the Common Core State Standards for mathematics.<sup>3</sup> Alaska, Nebraska, Texas, Virginia, and Puerto Rico have not adopted the Common Core State Standards for ELA or mathematics.

## **What role has the federal government played in the development, adoption, and implementation of the Common Core State Standards?**

While the federal government did not have a role in developing the Common Core State Standards, the Obama Administration has taken three major steps to incentivize the adoption and implementation of the standards: (1) Race to the Top (RTT) State Grants, (2) RTT Assessment Grants, and (3) ESEA flexibility package. It is not possible to assess how many states would have adopted the Common Core State Standards in the absence of these incentives.

### **RTT State Grants**

The RTT State Grant program was initially authorized under the State Fiscal Stabilization Fund (SFSF) included in the American Recovery and Reinvestment Act (ARRA; P.L. 111-5). Under the program, over \$4 billion in competitive grants were awarded to 18 states and the District of Columbia.<sup>4</sup> These grantees agreed to implement reforms in various areas, including enhancing standards and assessments.

The Department of Education (ED) specified that participating states had to adopt “internationally-benchmarked standards and assessments that prepare students for success in

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<sup>1</sup> See Common Core State Standards Initiative, <http://www.corestandards.org/standards-in-your-state/>.

<sup>2</sup> South Carolina State Department of Education, *Common Core Standards*, <http://ed.sc.gov/agency/programs-services/190/>.

<sup>3</sup> Since Minnesota did not adopt both the ELA and mathematics standards, the CCSSI does not consider Minnesota to have adopted the Common Core State Standards.

<sup>4</sup> Phase 1 grantees included Delaware and Tennessee. Phase 2 grantees included the District of Columbia, Florida, Georgia, Hawaii, Maryland, Massachusetts, New York, North Carolina, Ohio, and Rhode Island. For more information, see <http://www2.ed.gov/programs/racetothetop/phase1-resources.html>. Phase 3 grantees included Arizona, California, Colorado, Illinois, Kentucky, Louisiana, New Jersey, Pennsylvania, and South Carolina. For more information, see U.S. Department of Education, *Summary of Notice of Proposed Requirements: Race to the Top—Phase 3*, September 7, 2011, <http://www2.ed.gov/programs/racetothetop/phase-3-summary-proposed-requirements.pdf>.

college and the workplace.”<sup>5</sup> States received additional points for their applications<sup>6</sup> if they demonstrated they were participating in a consortium of states that was working toward developing and adopting a “common set of K-12 standards” that met the aforementioned requirements.<sup>7</sup> Points were also awarded for states that were working with a consortium that included “a significant number of states.” In addition, states were awarded points for adopting such standards by specified deadlines. For example, states received the highest number of points for adopting “common” K-12 standards by August 2, 2010. As of August 2, 2010, 30 states and the District of Columbia had adopted such standards.

With respect to assessments, states were evaluated on the extent to which they demonstrated a commitment to improving the quality of their assessments as evidenced by participation in a consortium of states that “is working toward jointly developing and implementing common, high-quality assessments ... aligned with the consortium’s common set of K-12 standards.”<sup>8</sup> States were also evaluated based on whether the consortium in which they were participating included a “significant” number of states. States could earn the highest number of points by joining a consortium that included the majority (more than 50%) of all states.<sup>9</sup>

## RTT Assessment Grants

ED also used a portion of the funds appropriated under ARRA to award RTT Assessment grants to two consortia of states to “develop and implement common, high-quality assessments aligned with common college- and career-ready K–12 standards.”<sup>10</sup> Both winning consortia, Partnership

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<sup>5</sup> U.S. Department of Education, “Overview of Information; Race to the Top Fund; Notice Inviting Applications for New Awards for Fiscal Year (FY) 2010,” 74 *Federal Register* 59836, November 18, 2009, available online at <http://www.gpo.gov/fdsys/pkg/FR-2009-11-18/pdf/E9-27427.pdf> (hereinafter referred to as *Federal Register*, RTT State Grant Competition Notice).

<sup>6</sup> For more information, see RTT State Grant Competition Notice, pp. 59836-59872.

<sup>7</sup> The scoring rubric used for evaluating state RTT grant applications was included as Appendix B in the *Federal Register*, RTT State Grant Competition Notice. Appendix B begins on p. 59850.

<sup>8</sup> *Federal Register*, RTT State Grant Competition Notice, p. 59841.

<sup>9</sup> At the time the RTT State Grant competition was announced, no states had agreed to adopt the Common Core State Standards. While most states were involved in the development of the Common Core State Standards, the ability of states to receive the highest level of points was dependent on more than 50% of the states deciding to actually adopt the Common Core State Standards.

<sup>10</sup> U.S. Department of Education, “U.S. Secretary of Education Duncan Announces Winners of Competition to Improve Student Assessments,” press release, September 2, 2014, <http://www.ed.gov/news/press-releases/us-secretary-education-duncan-announces-winners-competition-improve-student-asse>. Under Section 14006(a)(1) of ARRA, the Secretary was permitted to reserve up to 1% of the funds appropriated for RTT grants to provide technical assistance to states to assist them in meeting the requirements of the grants, including enhancing the quality of academic assessments. 20 U.S.C. §10006. For more information, see U.S. Department of Education, *Race to the Top Assessment Program*, <http://www.ed.gov/open/plan/race-top-assessment>. The absolute priority that RTT Assessment Grant applicants were required to address was that the assessments developed by the consortium had to measure student knowledge and skills against a common set of college- and career-ready standards in mathematics and ELA. The definition of a “common set of college- and career-ready standards” was as follows: “... a set of academic content standards for grades K-12 that (a) define what a student must know and be able to do at each grade level; (b) if mastered, would ensure that the student is college- and career-ready by the time of high school graduation; and (c) are substantially identical across all States in a consortium. A state may supplement the common set of college- and career-ready standards with additional content standards, provided that the additional standards do not comprise more than 15 percent of the State’s total standards for that content area.” Definitions of key terms are available in U.S. Department of Education, *Race to the Top Assessment Program Executive Summary*, April 2010, <http://www2.ed.gov/programs/racetothetop-assessment/executive-summary-042010.pdf>, and U.S. Department of Education, “Overview of Information; Race to the Top Fund Assessment Program; Notice Inviting Applications for New Awards for Fiscal Year (FY) 2010,” 75 *Federal Register* 18171-18185, April 9, 2010, <http://www.gpo.gov/fdsys/pkg/FR-2010-04-09/pdf/>

for the Assessment of Readiness for College and Careers (PARCC) and the SMARTER Balanced Assessment Consortium (Smarter Balanced), are using the Common Core State Standards as the common standards to which their assessments will be aligned. This grant competition was run simultaneously with the RTT State Grant competition, so states were able to indicate whether they were going to participate in a consortium to develop assessments aligned with common standards in the RTT State Grant applications, which in turn made them eligible to receive extra points under the RTT State Grants program. As of July 30, 2014, 34 states and the District of Columbia were still involved with one or more of the consortia.

While states voluntarily joined a consortium knowing that they would be using the Common Core State Standards as their common standards upon which to align their assessments, the availability of RTT funding to develop the assessments may have further incentivized the adoption and implementation of the Common Core State Standards and aligned assessments. And, while the federal government did not tell the consortia which common standards to use in their work, without federal financial support for the development of assessments associated with the Common Core State Standards, it is unclear where funding to support the development of those assessments would have been provided. However, it is possible that states may have been able to use federal funds provided for State Assessment Grants under Title VI-A of the ESEA to support the joint development of these assessments.

## ESEA Flexibility Package

On September 23, 2011, President Obama and the Secretary of Education announced the availability of an ESEA flexibility package for states and described the principles that states must meet to obtain the included waivers.<sup>11</sup> The waivers apply to school years 2011-2012, 2012-2013, and 2013-2014. States that were approved to begin implementing ESEA flexibility during the 2012-2013 school year are eligible to apply for a one-year extension of their flexibility packages that would continue to provide ESEA flexibility through the 2014-2015 school year.<sup>12</sup>

The waivers exempt states from various NCLB requirements related to academic accountability requirements, teacher qualifications, and funding flexibility. State educational agencies (SEAs)

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2010-8176.pdf.

<sup>11</sup> Under Section 9401 of the ESEA, the Secretary has broad authority to waive any statutory or regulatory provision in the act. 20 U.S.C. §7861. See also, CRS Report R42328, *Educational Accountability and Secretarial Waiver Authority Under Section 9401 of the Elementary and Secondary Education Act*, by Rebecca R. Skinner and Jody Feder.

<sup>12</sup> As of August 22, 2014, 20 states had received a one-year extension of the approval of their ESEA flexibility packages. These states include Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Kentucky, Maryland, Michigan, Minnesota, Mississippi, Nevada, New York, North Carolina, Ohio, South Carolina, South Dakota, Virginia, and Wisconsin. According to ED, 29 states submitted an extension request. See U.S. Department of Education, "Obama Administration Approves NCLB Flexibility Requests for Delaware, Georgia, Minnesota, New York, and South Carolina," press release, July 31, 2014, <http://www.ed.gov/news/press-releases/obama-administration-approves-nclb-flexibility-requests-delaware-georgia-minneso>; U.S. Department of Education, *ESEA Flexibility One-Year Extension*, February 6, 2014, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/extension/index.html>; U.S. Department of Education, "Obama Administration Approves NCLB Flexibility Requests for Florida, Kentucky, Mississippi, North Carolina and Wisconsin," press release, August 14, 2014, <http://www.ed.gov/news/press-releases/obama-administration-approves-nclb-flexibility-requests-florida-kentucky-mississ>; U.S. Department of Education, "Obama Administration Approves NCLB Flexibility Extension Requests for Ohio and Michigan," press release, August 22, 2014, <http://www.ed.gov/news/press-releases/obama-administration-approves-nclb-flexibility-extension-requests-ohio-and-michi>. States that were approved to begin implementing ESEA flexibility during the 2013-2014 school year already have waivers that extend through the 2014-2015 school year. See U.S. Department of Education, *ESEA Flexibility Submission Documents: Submission Window 3*, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/index.html>.



may also apply for optional waivers.<sup>13</sup> However, in order to receive the waivers, SEAs must agree to meet four principles established by ED for “improving student academic achievement and increasing the quality of instruction.” The four principles include (1) college- and career-ready expectations for all students, including adopting college- and career-ready standards in reading/language arts and mathematics and aligned assessments; (2) state-developed differentiated recognition, accountability, and support; (3) supporting effective instruction and leadership; and (4) reducing duplication and unnecessary burden.

With respect to the adoption of college- and career-ready standards, states have to select from two options when completing the ESEA flexibility package application. A state can either adopt reading/language arts and mathematics standards that are common to a “significant number” of states or adopt college- and career-ready standards in reading/language arts and mathematics that have been approved by a state network of institutions of higher education that certify that any student meeting the standards will not require remedial course work at the postsecondary level.<sup>14</sup> It should be noted that “common to a significant number of states” is not defined.

At the time the ESEA flexibility package was announced, over 40 states had already adopted the Common Core State Standards. Based on an examination of the approved state applications for the ESEA flexibility package, nearly every state that has received approval has opted to implement the Common Core State Standards in some form,<sup>15</sup> although some states have opted to have their standards approved by state institutions of higher education. For example, Minnesota implemented the Common Core State Standards for ELA but not for mathematics, which is instead based on the Minnesota College and Work Readiness Expectations for Math. Rather than using the Common Core State Standards, Virginia is using its Standards of Learning, Texas is using the Texas Essential Knowledge and Skills Curriculum Standards, and Alaska is using the Alaska Content and Performance Standards.

To receive a waiver for assessments, an SEA must develop and administer, “annual, statewide, aligned, high-quality assessments, and corresponding academic achievement standards, that measure student growth in at least grades 3-8 and once in high school.”<sup>16</sup> The ESEA flexibility request lists three options for demonstrating compliance with the “high-quality assessments” requirements: (1) the SEA is participating in a state consortium funded by RTT;<sup>17</sup> (2) the SEA is not participating in a state consortium funded by RTT but plans to develop and administer “high-quality assessments” by school year 2014-2015; and (3) the SEA has developed and begun administering “high-quality assessments” independent of the state consortia funded by RTT.<sup>18</sup>

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<sup>13</sup> The optional waivers are related to the 21<sup>st</sup> Century Community Learning Centers program, the determination of adequate yearly progress (AYP), and the allocation of Title I-A funds. For more information, see U.S. Department of Education, *ESEA Flexibility Submission Documents*, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/index.html>.

<sup>14</sup> In order to meet the second criterion, the SEA must provide (1) evidence that the state has formally adopted the standards consistent with the state’s standards adoption process and (2) a copy of the memorandum of understanding or letter from the state network of institutions of higher education certifying that students meeting the standards will not need remedial coursework at the postsecondary level. (U.S. Department of Education, *ESEA Flexibility: Frequently Asked Questions*, August 2, 2012, Item C-2, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/index.html>. Hereafter referred to as ED, *ESEA Flexibility FAQs*.)

<sup>15</sup> States adopting the Common Core State Standards are required to adopt all of the standards but may add an additional 15% of their own materials to the standards. For more information, see PowerPoint presentation dated March 2010, at <http://www.corestandards.org/about-the-standards>.

<sup>16</sup> See ED, *ESEA Flexibility Request*, p. 11, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/index.html>. An SEA must still demonstrate to ED that it has implemented a set of high-quality annual student academic assessments.

<sup>17</sup> For more information, see <http://www2.ed.gov/programs/racetothetop-assessment/index.html>.

<sup>18</sup> See *ESEA Waiver Request*, pg. 10; <http://www.ed.gov/esea/flexibility>. It should be noted that there is no requirement



## Do states have to adopt and implement the Common Core State Standards?

As noted above, neither the RTT program nor the ESEA waiver package explicitly required states to adopt the Common Core State Standards. However, both initiatives provided significant incentives to states that adopted college- and career-ready standards that met specified requirements, and the Common Core State Standards was the most widely available set of standards that met such requirements. As a result, the RTT program and ESEA flexibility waivers could both be characterized as incentivizing the adoption of Common Core. Such incentives, however, are a common feature of federal grant programs, and they do not appear to violate any current education statute.<sup>19</sup>

Nevertheless, some critics have alleged that the significant financial and regulatory incentives provided under the RTT program and the flexibility waivers are unconstitutionally coercive because these initiatives made it extremely difficult for a state to reject the Common Core State Standards. Generally, a state's participation in programs that rely on such incentives is viewed as voluntary by the courts. The latter interpretation may be supported by the fact that several states have declined to adopt the Common Core State Standards or to seek flexibility waivers. This view may also be bolstered by Supreme Court doctrine on congressional authority under the spending clause of the Constitution.<sup>20</sup> Under the Court's jurisprudence, a state's participation in a grant program that conditions receipt of federal funds on compliance with federal requirements has traditionally been treated as voluntary, and such conditions have been deemed unconstitutionally "coercive" only in rare instances.<sup>21</sup>

## What is the difference between standards and curriculum?

As discussed above, states are required to adopt and implement two types of academic standards as a condition of receiving Title I-A funding. These include content standards and performance (or achievement) standards. In general, content standards specify what students are expected to know and be able to do. Performance standards are explicit definitions of what students must know and be able to do to demonstrate proficiency. According to ED, "Achievement standards further define content standards by connecting them to information that describes how well students are acquiring the knowledge and skills contained in academic content standards."<sup>22</sup> In neither case are standards synonymous with curricula, method of instruction, or classroom materials.

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that a state network of institutions of higher education approve the assessments, regardless of whether the state is using the Common Core State Standards or standards that were approved by such a network.

<sup>19</sup> Some critics have alleged that the Common Core State Standards violate various statutory prohibitions against federal control over curriculum, testing, and academic standards that are contained in the ESEA and the General Education Provisions Act. 20 U.S.C. §§1221 et seq. However, the incentives provided to states that adopt the Common Core State Standards do not appear to violate these prohibitions, as discussed in greater detail in CRS Report R43711, *Common Core State Standards and Assessments: Background and Issues*, by Rebecca R. Skinner and Jody Feder.

<sup>20</sup> U.S. Const., Art I, §8, cl 1.

<sup>21</sup> See *South Dakota v. Dole*, 483 U.S. 203 (1987), but see *Nat'l Fed'n of Indep. Bus. v. Sebelius*, 132 S. Ct. 2566 (2012). For more information on the spending clause doctrine, see CRS Report RL30315, *Federalism, State Sovereignty, and the Constitution: Basis and Limits of Congressional Power*, by Kenneth R. Thomas.

<sup>22</sup> U.S. Department of Education, *Standards and Assessments Non-Regulatory Guidance*, March 10, 2003, Item A-1, <http://www2.ed.gov/policy/elsec/guid/saaguidance03.doc> (hereafter referred to as ED, *Standards and Assessment Guidance*).

There is not a single, broadly agreed upon definition of curriculum. It can mean anything from lesson plans to textbooks to frameworks that can be generated at the state or local level or purchased off the shelf. In general, however, the development and use of curriculum is part of the process for operationalizing state standards. According to ED, “A curriculum aligned with the State’s standards is necessary for students to achieve and demonstrate proficiency on a State’s tests.”<sup>23</sup> Thus, according to ED, while standards and curriculum are different concepts, the alignment of standards and curriculum is needed for students to demonstrate proficiency on state assessments, which must be aligned with the standards.

## **Will the Common Core State Standards lead to national standards, national assessments, or a national curriculum?**

Critics of the Common Core State Standards have expressed concern that adoption and implementation of these standards and aligned assessments will result in national standards and national assessments. Despite grassroots efforts to develop the Common Core State Standards and actions by the Obama Administration to support the standards and the development of assessments aligned with these standards, the end result will not yield a single set of national standards in reading and mathematics or a single set of assessments in these subject areas. For example, states that adopt the Common Core State Standards are permitted to add additional standards of their own choosing to the Common Core State Standards.<sup>24</sup> Thus, each state adopting and implementing the Common Core State Standards could continue to have a unique set of state standards that share common elements with other adopting states. As a result of the RTT common assessment competition, there will be at least two different assessments linked to the Common Core State Standards, and based on a recent survey conducted by *Education Week*, it appears that at least 17 states are planning to use something other than the assessments being developed by PARCC and Smarter Balanced. In addition, even among the states that are still planning to use tests developed by one of the two consortia, some states are planning on using a consortium-developed test only for some but not all grade levels tested.

The Common Core State Standards are also not synonymous with a national curriculum. Standards determine what needs to be taught, and curriculum is used to help operationalize the standards. Decisions regarding how standards are taught to students and how students are prepared for assessments remain a state and local decision in states that adopt and implement the Common Core State Standards. However, if enough states that are implementing the Common Core State Standards voluntarily worked together to develop materials for teaching the standards, or textbook publishers and other organizations that create materials for classroom use developed materials that are clearly aligned with the Common Core State Standards and were adopted by multiple states, it is possible that these actions could result in multiple states using similar materials in the classroom.

## **How do the Common Core State Standards relate to teacher evaluation?**

Further complicating the landscape of state standards and assessments are RTT State Grant and ESEA flexibility waiver requirements aimed at increasing the number of states that develop and

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<sup>23</sup> ED, *Standards and Assessment Guidance*, Item F-3.

<sup>24</sup> States adopting the Common Core State Standards are required to adopt all of the standards but may add an additional 15% of their own materials to the standards. For more information, see PowerPoint presentation dated March 2010, available online at <http://www.corestandards.org/about-the-standards>.

implement teacher and school leader evaluation systems that are based in part on student achievement. The use of student assessments required under ESEA Title I-A could provide the means by which student achievement and growth are determined for purposes of teacher and school leader evaluation systems.

Under RTT State Grants, states earned points on their application<sup>25</sup> for improving teacher and principal effectiveness through the development of teacher and principal evaluation systems that would be based, in part, on student growth. The RTT application defines student growth to mean “the change in student achievement ... for an individual student between two or more points in time.” Student achievement is defined as a student’s score of the state assessments under ESEA for tested grades and subjects and, as appropriate, other measures of student learning provided they are rigorous and comparable across classrooms.<sup>26</sup> Thus, teacher and principal effectiveness will be determined, in part, on student growth on assessments, which may include newly implemented assessments based on new standards, such as the Common Core State Standards.

To receive the ESEA flexibility package, state and local educational agencies must commit to develop, adopt, pilot, and implement teacher and principal evaluation and support systems that, among other things, use multiple valid measures in determining performance levels, including data on student growth, and other measures of professional practice and will be used to inform personnel decisions.<sup>27</sup> However, depending on when a state had its ESEA flexibility package application approved, there may be little time between (1) implementing a new set of state ELA and mathematics standards, (2) implementing new assessments aligned with those standards, and (3) evaluating teachers based on student growth on those assessments.

There are concerns among educators that the process of implementing new standards, new assessments, and new evaluation systems is moving too quickly.<sup>28</sup> For example, while both the National Education Association and the American Federation of Teachers have supported the use of the Common Core State Standards, both organizations have been critical of the timeline for implementing curriculum and teacher evaluations associated with the standards.<sup>29</sup> In the last year, ED has made multiple announcements regarding flexibility that will be provided to states with respect to the use of student growth data in the teacher and principal evaluation systems and the use of these data to make personnel decisions.<sup>30</sup> In making these announcements, ED noted that additional flexibility will not be granted to states that have laws that prevent them from implementing teacher and principal evaluation systems that meet the requirements of the ESEA flexibility package.

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<sup>25</sup> A copy of the Race to the Top State Grant application is available at <http://www2.ed.gov/programs/racetothetop/applicant.html>.

<sup>26</sup> For non-tested grants and subjects alternative measures of student learning and performance may be used (e.g., pre-tests and end-of-course tests), provided the measures are rigorous and comparable across classrooms.

<sup>27</sup> Personnel decisions include hiring, firing, pay raises, and tenure. See U.S. Department of Education, *ESEA Flexibility State-by-State Implementation Timeline Chart*, June 14, 2013, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/eseaflexstchart614.doc>.

<sup>28</sup> For example, see Motoko Rich, “Delay Urged on Actions Tied to Tests by Schools,” *New York Times*, June 10, 2014.

<sup>29</sup> Catherine Gewertz, “Sizing Up a Four-Year Experiment,” *Education Week*, April 23, 2014.

<sup>30</sup> Letter from Arne Duncan, Secretary, to Chief State School Officers, June 18, 2013; Letter from Deborah S. Delisle, Assistant Secretary, to Chief State School Officer, July 2, 2014, <http://www2.ed.gov/policy/eseaflex/secretary-letters/csso722014.html>, <http://www2.ed.gov/policy/elsec/guid/secletter/130618.html>; and U.S. Department of Education, “News from Secretary Duncan on Student Testing,” press release, August 21, 2014, Parents' Bulletin email message. See also, U.S. Department of Education, “Blog posting by Secretary Duncan: A Back-to-School Conversation with Teachers and School Leaders,” press release, August 21, 2014, <http://www.ed.gov/blog/2014/08/a-back-to-school-conversation-with-teachers-and-school-leaders/>.

## **Are there legislative decisions approaching that are potentially relevant to the Common Core State Standards?**

As Congress considers ESEA reauthorization, it is likely that attention will be devoted to the nature and extent of an ongoing federal role in encouraging or requiring the development and implementation of state academic standards and test-based accountability. Congress has several options for addressing current requirements regarding standards, assessments, and related issues. One option would be for Congress to amend the ESEA in such a way as to require states to use the Common Core State Standards and aligned assessments of either their own choosing or developed by one of the two consortia. Requiring adoption and implementation of a specific set of standards, however, would be more prescriptive than current law which allows states to select their own standards and assessments. Another option would be for Congress to amend the ESEA in such a way that states could choose to, but would not be required to, use the Common Core State Standards and aligned assessments to meet the requirements of Title I-A. Similarly, Congress could opt not to make changes to the current ESEA requirements related to standards and assessments, which would allow states to continue to use the Common Core State Standards. Congress could also choose to eliminate incentives used by the Administration to encourage the use of the Common Core State Standards by prohibiting ED from conditioning the receipt of grants, preferences, or waivers on a state's adoption of common standards.

Related to these issues is whether Congress would wish to modify the current statutory language that requires the adoption and implementation of “challenging” academic content standards and academic achievement standards to require instead the use of “college- and career-ready standards,” that has been a condition of receiving RTT grants and ESEA waivers. A change to “college- and career-ready standards” would not necessarily require the adoption and implementation of the Common Core State Standards, but depending on how Congress defined “college- and career-ready standards,” the Common Core State Standards might be one readily available set of standards that states could use to meet the new requirements.

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