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# Common Core State Standards and Assessments: Background and Issues

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September 2, 2014

Congressional Research Service

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[www.crs.gov](http://www.crs.gov)

R43711

## 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, three major changes 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 ED to states with approved applications. As of August 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 and Oklahoma 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 standards in the 2015-2016 school year.

This report examines each of the aforementioned changes and discusses how they are interrelated. More specifically, it provides (1) background information on current law, (2) a discussion of the development of the Common Core State Standards and state adoption of the standards, (3) an analysis of the RTT State Grant competition and how the structure of the grant application process may have incentivized state adoption of the Common Core State Standards, (4) an examination of the RTT Assessment Grants competition and the federal funds provided to support the development of assessments aligned with the Common Core State Standards, and (5) an analysis of the ESEA flexibility package and how the conditions that states had to meet to receive waivers of ESEA accountability provisions may have incentivized state implementation of the Common Core State Standards. This report also examines prohibitions in the ESEA and the General Education Provisions Act related to standards, assessments, and curriculum. Additionally, it includes a brief discussion of the relationship between teacher and school leader evaluation systems that are being developed by states and the Common Core State Standards.

Finally, the report examines issues that have arisen in relation to the Common Core State Standards, including the following:

- whether states were incentivized by the Administration to adopt and implement the Common Core State Standards;
- whether state adoption and implementation of the Common Core State Standards could result in a national assessment and national standards;
- whether state adoption and implementation of the Common Core State Standards could lead to the development of a national curriculum;

- possible issues that may need to be addressed if a state chooses to discontinue its use of the Common Core State Standards;
- possible issues related to teacher evaluation and the Common Core State Standards;
- possible technology issues related to implementation of the Common Core State Standards; and
- possible issues related to the long-term maintenance of the Common Core State Standards.

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## Introduction

The effectiveness of the nation's schools is a concern at all levels of government. It is generally held that all students in elementary and secondary education should have access to quality public schools, providing all students with an opportunity to meet rigorous academic standards. Examining whether students are being held to well-defined academic standards and achieving at desired levels has become one of the primary foci of federal education policy in elementary and secondary schools.

Federal policies aiming to improve the effectiveness of schools have historically focused largely on inputs, such as supporting teacher professional development, class-size reduction, and compensatory programs or services for disadvantaged students. Over the last two decades, however, interest in developing federal policies that focus on student outcomes has increased. 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),<sup>1</sup> 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. As Congress contemplates the reauthorization of the ESEA, it may grapple with issues related to standards and assessments and the extent to which requirements related to assessments and standards should be prescribed at the federal level versus determined by the states.

In the last few years, there has been a grassroots movement spearheaded by the National Governors Association (NGA) and the Council of Chief State School Officers (CCSSO) to develop a common set of standards for mathematics and English/language arts (ELA), known as the Common Core State Standards Initiative (CCSSI). Numerous states participated in the process to develop these standards and many agreed to adopt and implement the standards. While the federal government had no role in developing the standards, the Administration has expressed support for the standards and the associated assessments being developed to align with the standards.

This report begins with a brief overview of the requirements included in current law with respect to standards and assessments. Included in this section is a discussion regarding the difference between standards and curriculum. The second part of this report discusses the CCSSI, including its history and current status. The third part examines efforts by the Administration that may have supported, though not required, states' adoption of the standards included in the CCSSI. This includes a discussion of the Race to the Top (RTT) State Grants, Race to the Top (RTT) Assessment Grants, and the ESEA flexibility package currently being offered to states by the Administration. The next part discusses requirements for teacher and school leader evaluation that were included in the RTT State Grants and the ESEA flexibility package and how these requirements relate to the Common Core State Standards. The last part of the report examines various issues and criticisms related to the Common Core State Standards and the aligned assessments.

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<sup>1</sup> 20 U.S.C. §§6301 et seq.

## Current Law Requirements for Standards and Assessments

The 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.<sup>2</sup> 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.

### Standards Under Current Law

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 the U.S. Department of Education (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>3</sup> In neither case are standards synonymous with curricula, method of instruction, or classroom materials.

States are not required to have their content or performance standards approved or certified by the federal government in order to receive funding under the ESEA.<sup>4</sup> ED does not review or approve

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<sup>2</sup> There are some exceptions to this requirement for certain students with disabilities. For more information, see CRS Report R40701, *Alternate Assessments for Students with Disabilities*, by (name redacted).

<sup>3</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*.)

<sup>4</sup> Under Section 1111(b)(1)(A), as part of its state plan that must be submitted in order to receive Title I-A funds, each state is required to “demonstrate” that the state has adopted challenging academic content and achievement standards, but the state is not required to submit the actual standards to the Secretary. Under §1111(b)(3)(A), also as part of its state plan, each state shall “demonstrate” that it has implemented a set of “high-quality, yearly student academic assessments.” 20 U.S.C. §6311(b). Further, §1905 prohibits the Secretary (or any employee of the federal government) (continued...)

the quality of the content or performance standards selected by a state. States are, however, required to submit evidence to ED that demonstrates that they have adopted and implemented standards in the required subjects at the required grade levels and a description of the process used to establish the standards. Thus, all states have the flexibility to select their own content and performance standards.

## Content Standards

Non-regulatory guidance issued by ED specifies what content standards are to include.

Academic content standards specify what all students are expected to know and be able to do. Academic content standards must contain coherent and rigorous content and encourage the teaching of advanced learning.

Academic content standards should be clear and specific and give teachers, students, and parents sufficient direction to guide teaching and learning. Additionally, academic content standards should be understandable for educators to teach the expected content in their classrooms and for students to attain to the expected high levels of achievement. Thus, academic content standards should be written in clear, jargon-free, and straightforward prose that is accessible to a wide range of audiences.<sup>5</sup>

Thus, content standards guide what teachers need to be teaching in the classroom. Content standards do not tell teachers how to teach the specified content or what materials to use to teach the content. That is, content standards do not prescribe curricula, teaching methods, or materials.

### Example of an English/Language Arts Content Standard

*Virginia Standards of Learning, English Standards of Learning (2010), Grade Six, Strand: Reading, Standard 6.5*

The student will read and demonstrate comprehension of a variety of fictional texts, narrative nonfiction, and poetry.

- a) Identify the elements of narrative structure, including setting, character, plot, conflict, and theme.
- b) Make, confirm, and revise predictions.
- c) Describe how word choice and imagery contribute to the meaning of a text.
- d) Describe cause and effect relationships and their impact on plot.

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(...continued)

from mandating, directing, or controlling, a state's, LEA's, or school's specific "instructional content, academic achievement standards and assessments, curriculum, or program of instruction." 20 U.S.C. §6575.

<sup>5</sup> ED, *Standards and Assessment Guidance*.

- e) Use prior and background knowledge as context for new learning.
- f) Use information in the text to draw conclusions and make inferences.
- g) Explain how character and plot development are used in a selection to support a central conflict or story line.
- h) Identify the main idea.
- i) Identify and summarize supporting details.
- j) Identify and analyze the author’s use of figurative language.
- k) Identify transitional words and phrases that signal an author’s organizational pattern.
- l) Use reading strategies to monitor comprehension throughout the reading process.

**Source:** Virginia Department of Education, Standards of Learning (SOL) & Testing, English, [http://www.doe.virginia.gov/testing/sol/frameworks/english\\_frameworks/2010/framework\\_english\\_6-8.pdf](http://www.doe.virginia.gov/testing/sol/frameworks/english_frameworks/2010/framework_english_6-8.pdf)

**Note:** This content standard was selected for illustrative purposes only. Its inclusion does not indicate a CRS position on the merits of the standard.

### Example of a Mathematics Content Standard

#### *Minnesota K-12 Academic Standards in Mathematics, Grade Six, Strand: Number & Operation, Standard 6.1.2.2*

Understand the concept of ratio and its relationship to fractions and to the multiplication and division of whole numbers. Use ratios to solve real-world and mathematical problems.

**Source:** Minnesota Department of Education, Minnesota K-12 Academic Standards in Mathematics, <http://education.state.mn.us/MDE/EdExc/StanCurri/K-12AcademicStandards/Math/index.html>.

**Note:** This content standard was selected for illustrative purposes only. Its inclusion does not indicate a CRS position on the merits of the standard.

### Performance Standards<sup>6</sup>

Performance standards define the requirements for students to meet or exceed in each content area and measure the extent to which a student’s work meets the requirements. A performance standard is a generally agreed upon definition of a certain level of performance in a content area that is expressed in terms of a cut score.<sup>7</sup> The predetermined cut score denotes a level of mastery or level of proficiency within a content area. An assessment system that uses performance

<sup>6</sup> For a more detailed discussion of performance standards, see CRS Report R40514, *Assessment in Elementary and Secondary Education: A Primer*, by (name redacted).

<sup>7</sup> With respect to annual state assessments, a “cut score” is a predetermined score that indicates how well a student must perform on an assessment to demonstrate a specified level of achievement (e.g., proficient). For more information about cut scores and how they are established, see Educational Testing Service, *A Primer on Setting Cut Scores on Tests of Educational Achievement*, 2006, [https://www.ets.org/Media/Research/pdf/Cut\\_Scores\\_Primer.pdf](https://www.ets.org/Media/Research/pdf/Cut_Scores_Primer.pdf).

standards typically establishes several cut scores that denote varying levels of proficiency. For example, under current law, states are required to establish performance standards that, at a minimum, denote whether a student performed at the basic, proficient, or advanced level on the state reading, mathematics, and science assessments required under ESEA Title I-A. Definitions are provided for each performance standard, describing the competencies and abilities associated with the label. Performance standards can be directly linked to the curriculum and results can be used for planning, modifying, and adapting instruction. As with content standards, performance standards do not prescribe curricula, teaching methods, or materials.

### **Example of Performance Standards**

#### ***Pennsylvania Department of Education, Mathematics Problem Solving—Grade 6: Performance Level Descriptors***

Within the context of grade-level appropriate settings and content, a sixth grade student performing at the **Basic** level of problem solving skills will:

apply basic procedures and reasoning to solve routine problems; differentiate between necessary and unnecessary information; translate simple scenarios into mathematical statements; confirm solutions by “checking” work.

**Cut score for basic level:** 1174-1297

Within the context of grade-level appropriate settings and content, a sixth grade student performing at the **Proficient** level of problem solving skills will:

select and use appropriate solution techniques; use appropriate grade level mathematical language to communicate procedures and results; represent data and concepts in different forms; use informal proof to justify solutions; summarize solutions and conclusions.

**Cut score for proficient level:** 1298-1475

Within the context of grade-level appropriate settings and content, a sixth grade student performing at the **Advanced** level of problem solving skills will:

make connections across areas of mathematics; use formal reasoning and proof to justify solutions; devise and communicate complex problem solving strategies; evaluate validity of solutions.

**Cut score for advanced level:** 1476 and higher

**Source:** Pennsylvania Department of Education, State Assessment Performance Level Descriptors and Cut Scores, [http://www.education.state.pa.us/portal/server.pt/gateway/PTARGS\\_0\\_0\\_252\\_0\\_0\\_47/http/pubcontent.state.pa.us/publishedcontent/publish/cop\\_hhs/pde/single\\_web/programs/programs\\_s\\_z/state\\_assessment\\_system/pssa\\_\\_state\\_assessment\\_performance\\_level\\_descriptors/state\\_assessment\\_performance\\_level\\_descriptors\\_and\\_cut\\_scores.html](http://www.education.state.pa.us/portal/server.pt/gateway/PTARGS_0_0_252_0_0_47/http/pubcontent.state.pa.us/publishedcontent/publish/cop_hhs/pde/single_web/programs/programs_s_z/state_assessment_system/pssa__state_assessment_performance_level_descriptors/state_assessment_performance_level_descriptors_and_cut_scores.html).

**Note:** More detailed information about performance level descriptors is available at the website noted above. In addition, general information about performance at each level is available at the website noted above. Students receiving a cut score below 1174 are considered to be performing at the “below basic” level. These performance standards were selected for illustrative purposes only. Their inclusion does not indicate a CRS position on the merits of the standards.

## **Standards Versus Curriculum**

With respect to the ESEA Title I-A requirements, as previously discussed, standards are expectations for what students should know and be able to do, as well as explicit definitions of what students must demonstrate to indicate that they have achieved proficiency with respect to the standards.

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>8</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 are required to be aligned with the standards.

## **Prohibitions Against Federal Mandates, Direction, or Control**

There are several prohibitions included in federal law that attempt to limit the role of the federal government with respect to the approval of state standards and assessments, control of curriculum, control over educational materials, and the creation of a national test. Relevant prohibitions appear in the ESEA and in the General Education Provisions Act (GEPA).<sup>9</sup>

### **ESEA Provisions**

Section 1905 of the ESEA includes specific prohibitions related to Title I.

Nothing in this title shall be construed to authorize an officer or employee of the Federal Government to mandate, direct, or control a State, local educational agency, or school’s specific instructional content, academic achievement standards and assessments, curriculum, or program of instruction.<sup>10</sup>

The Section 1905 provision is reinforced by provisions in Section 1111 regarding the state plan that each state must submit in order to receive Title I-A funds. Under Section 1111(b)(1)(A), each state is required to “demonstrate” that the state has adopted challenging academic content and achievement standards, but the state is not required to submit the actual standards to the Secretary. Under Section 1111(b)(3)(A), each state shall “demonstrate” that it has implemented a set of “high-quality, yearly student academic assessments.”

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<sup>8</sup> ED, *Standards and Assessment Guidance*, Item F-3.

<sup>9</sup> 20 U.S.C. §§1221 et seq.

<sup>10</sup> 20 U.S.C. §6575.

Section 9527 of the ESEA also includes several provisions that limit the federal role with respect to standards and control of curriculum.<sup>11</sup> Per the requirements of Section 9527(c), no state is required to have its content or performance standards approved by the federal government as a condition of receiving funds under the ESEA.<sup>12</sup> Section 9527(b) prohibits ED from using any funds provided to the department under the ESEA “to endorse, approve, or sanction any curriculum designed to be used in an elementary school or secondary school.” That is, ED is prohibited from requiring states, local educational agencies (LEAs), and schools to use specific curricula, and states, LEAs, and schools do not need ED’s approval of their curricula in order to receive funds under the ESEA.

There is also a more general prohibition placed on the federal government with respect to curriculum. Section 9527(a) states:

Nothing in this Act shall be construed to authorize an officer or employee of the Federal Government to mandate, direct, or control a State, local educational agency, or school’s curriculum, program of instruction ...<sup>13</sup>

Taken together, the plain statutory language of these ESEA provisions gives the federal government broader authority over state educational standards and assessments than it may appear at first glance.<sup>14</sup> For example, although ED is prohibited from mandating, directing, or controlling a state educational agency’s (SEA’s), LEA’s, or school’s adoption of specified standards and assessments, the statutory language does not prevent states from voluntarily establishing such standards or assessments in response to incentives offered by ED. Thus, the statute does not appear to limit the federal government’s authority to require states to maintain content standards, performance standards, or assessments as a condition of receiving funding under the ESEA, as occurred under the RTT program, nor does the statutory language prevent ED from imposing similar requirements as a condition of receiving an ESEA waiver.

Furthermore, although these provisions do appear to prevent ED from requiring states to adopt specific standards or assessments or to win federal approval of the standards and assessments that states select, ED does not appear to be barred from participating in the development of such standards. It is also important to note that standards and curriculum are not the same thing. As a result, although the statutory language bars ED from prescribing the specific instructional content, curriculum, or program of instruction that will be used to teach the content included in a state’s standards, this prohibition does not extend to cover other requirements related to standards.

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<sup>11</sup> 20 U.S.C. §7907.

<sup>12</sup> Section 9527(c), however, specifically states that “[n]othing in this subsection shall be construed to affect requirements under title I or part A of title VI [State Assessment Grants].” 20 U.S.C. §7907(c). Therefore the prohibition contained in Section 9527(c) does not apply to requirements under these programs.

<sup>13</sup> 20 U.S.C. §7907(a).

<sup>14</sup> The starting point in interpreting a statute is the language of the statute itself. The Supreme Court often recites the “plain meaning rule,” that, if the language of the statute is plain and unambiguous, it must be applied according to its terms. See, for example, *Barnhart v. Sigmon Coal Co.*, 534 U.S. 438, 450 (2002); *Caminetti v. United States*, 242 U.S. 470 (1917).

## GEPA Provisions

GEPA contains several provisions similar to the prohibitions set forth in the ESEA.<sup>15</sup> For example, Section 438 of GEPA clarifies that no provision of any applicable program<sup>16</sup> is intended to authorize the federal government 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.”<sup>17</sup> These prohibitions, which are designed to maintain state and local control over education, prevent ED from requiring SEAs, LEAs, or schools to adopt specific curricula or instructional programs, but the statutory language makes no reference to standards or assessments.

Likewise, Section 447 of GEPA specifies that notwithstanding any other provision of law (except as discussed below), no funds provided to ED or to an applicable program may be used to “pilot test, field test, implement, administer or distribute in any way any federally sponsored national test in reading, mathematics, or any other subject that is not specifically and explicitly provided for in authorizing legislation enacted into law.”<sup>18</sup> The exceptions to this provision include the Third International Mathematics and Science Study (TIMSS) or other international comparative assessments that are administered to a sample of students in the United States and foreign countries and developed under the authority of Section 153(a)(6) of the Education Sciences Reform Act of 2002 (ESRA). Thus, unless Congress acts to support a federally sponsored national test in a subject area, the Secretary is prohibited from using funds for this purpose. While the Secretary is prohibited from using funding to develop such tests, the Secretary does not appear to be barred from providing federal funds to support non-federally led efforts to voluntarily develop a common test.

## Common Core State Standards Initiative

As previously discussed, 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 as well as concerns related to student mobility, consistent expectations for students, preparation of students for global competition, and skills students need for employment<sup>19</sup> spurred a grassroots movement led by the National Governors Association and the Council of Chief State School Officers to develop common standards for ELA and mathematics in grades K-12 (referred to as the Common Core State Standards).<sup>20</sup> This effort is referred to as the Common Core State

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<sup>15</sup> For more information about GEPA, see CRS Report R41119, *General Education Provisions Act (GEPA): Overview and Issues*, by (name redacted) and (name redacted).

<sup>16</sup> An “applicable program” is any program for which the Secretary or ED has administrative responsibility as provided by law or by delegation of authority pursuant to law. (Section 400(c)(1)).

<sup>17</sup> 20 U.S.C. §1232a.

<sup>18</sup> 20 U.S.C. §1232j.

<sup>19</sup> For more information, see Common Core State Standards Initiative, March 2010 presentation, available online at <http://www.corestandards.org/assets/> and select the Common-Core-Standards-March-2010.ppt.

<sup>20</sup> The complete names of each set of standards are the Common Core State Standards for Mathematics and the Common Core State Standards for English Language Arts and Literacy in History/Social Studies, Science and Technical Subjects.

Standards Initiative. 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.’”<sup>21</sup>

The initial discussion of the need to have a common set of high standards began in November 2007 at a meeting of the state education chiefs in Columbus, OH, where the chiefs discussed developing a single-set of standards that would be benchmarked to college- and career-readiness.<sup>22</sup> The following year, the CCSSO, NGA, and Achieve published a report, *Benchmarking for Success: Ensuring U.S. Students Receive a World-Class Education*,<sup>23</sup> which recommended that state standards be upgraded by adopting a “common core” of internationally benchmarked standards in language arts and mathematics for grades K-12. In April 2009, CCSSO and NGA convened chief state school officers and governors’ education policy advisors to discuss the CCSSI. By September 2009, governors and chief state school officers from 48 states, the District of Columbia, and two territories were participating in the CCSSI.<sup>24</sup>

The work to develop the Common Core State Standards was conducted in two phases. During the first phase, which began in summer 2009, two work teams (one for ELA and one for mathematics) developed the first drafts of college- and career-readiness Common Core State Standards.<sup>25</sup> These drafts were reviewed by content experts and subsequently revised in July 2009. In August 2009, the second draft of the standards was provided to state and national organizations for review and comments. The work teams made subsequent revisions to the standards based on these comments. The revised draft of the standards was then released for public comment from September 21, 2009, through October 21, 2009. The standards were revised based on comments received from the public. They were then submitted to the Validation Committee. In September 2009, the CCSSI announced the members of a validation committee that was “tasked with reviewing and verifying the standards development process and the resulting evidence-based college- and career-readiness standards.”<sup>26</sup>

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<sup>21</sup> Common Core State Standards Initiative, *Reactions to the March 2010 Draft Common Core State Standards: Highlights and Themes from the Public Feedback*, <http://www.corestandards.org/assets/k-12-feedback-summary.pdf>.

<sup>22</sup> Information on the initial development of the CCSSI was taken from Council of Chief State School Officers, *The Common Core State Standards: Insight into Their Development and Purpose*, 2014, [http://www.ccsso.org/Documents/2014/CCSS\\_Insight\\_Into\\_Development\\_2014.pdf](http://www.ccsso.org/Documents/2014/CCSS_Insight_Into_Development_2014.pdf).

<sup>23</sup> National Governors Association, the Council of Chief State School Officers, and Achieve, Inc., *Benchmarking for Success: Ensuring U.S. Students Receive a World-Class Education*, 2008, <http://www.achieve.org/files/BenchmarkingforSuccess.pdf>.

<sup>24</sup> The two states that were not participating were Alaska and Texas. The two participating territories included Puerto Rico and the Virgin Islands. For more information, see National Governors Association, “Fifty-One States and Territories Join Common Core State Standards Initiative,” press release, September 1, 2009, [http://www.nga.org/cms/home/news-room/news-releases/page\\_2009/col2-content/main-content-list/title\\_fifty-one-states-and-territories-join-common-core-state-standards-initiative.html](http://www.nga.org/cms/home/news-room/news-releases/page_2009/col2-content/main-content-list/title_fifty-one-states-and-territories-join-common-core-state-standards-initiative.html).

<sup>25</sup> Common Core State Standards Initiative, *Summary of Public Feedback on the Draft College- and Career-Readiness Standards for English-Language Arts and Mathematics*, <http://www.corestandards.org/assets/CorePublicFeedback.pdf>.

<sup>26</sup> National Governors Association, “Common Core State Standards Initiative Validation Committee Announced,” press release, September 24, 2009, [http://www.nga.org/cms/home/news-room/news-releases/page\\_2009/col2-content/main-content-list/title\\_common-core-state-standards-initiative-validation-committee-announced.html](http://www.nga.org/cms/home/news-room/news-releases/page_2009/col2-content/main-content-list/title_common-core-state-standards-initiative-validation-committee-announced.html).

The second phase of work on the standards began in November 2009 with the announcement of the Work Group that would develop the K-12 ELA and mathematics standards<sup>27</sup> that would be aligned with the college- and career-readiness standards.<sup>28</sup> The K-12 Work Group was composed of individuals with varied expertise and experience in areas such as assessment; curriculum design; early childhood education; child development; and elementary, secondary, and postsecondary education. The Work Group developed multiple drafts of the standards that were shared with a wide range of stakeholders including states, content experts, teachers, professional organizations, civil rights groups, and members of the higher education community.<sup>29</sup> On March 10, 2010, the draft K-12 ELA and mathematics standards were posted for public comment. Nearly 10,000 people provided feedback on the drafts. Based on this feedback, subsequent revisions were made to the standards. Following these revisions, the Validation Committee met to review the standards.<sup>30</sup> The final Common Core State Standards were released on June 2, 2010.

Adoption of the standards is optional. However, according to the Common Core State Standard Initiative, 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 standards-authorizing body in the state has taken formal action to adopt and implement the standards.<sup>31</sup> 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>32</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>33</sup> Minnesota has adopted the ELA Common Core State Standards but not the Common Core State Standards for mathematics.<sup>34</sup> Alaska, Nebraska, Texas, Virginia, and Puerto Rico have not adopted either the Common Core State Standards for ELA or mathematics.

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<sup>27</sup> Under the ESEA, states are required to have standards for reading and mathematics in each of grades 3-8 and for at least one grade in grades 10-12. They were not required to have standards in these subject areas for grades K-12.

<sup>28</sup> National Governors Association, “Common Core State Standards K-12 Work and Feedback Groups Announced,” press release, November 10, 2009, [http://www.nga.org/cms/home/news-room/news-releases/page\\_2009/col2-content/main-content-list/title\\_common-core-state-standards-k-12-work-and-feedback-groups-announced.html](http://www.nga.org/cms/home/news-room/news-releases/page_2009/col2-content/main-content-list/title_common-core-state-standards-k-12-work-and-feedback-groups-announced.html).

<sup>29</sup> Common Core State Standards Initiative, *Reactions to the March 2010 Draft Common Core State Standards: Highlights and Themes from the Public Feedback*, <http://www.corestandards.org/assets/k-12-feedback-summary.pdf>.

<sup>30</sup> Common Core State Standards Initiative, *Reaching Higher: The Common Core State Standards Validation Committee*, June 2010, [http://www.corestandards.org/assets/CommonCoreReport\\_6.10.pdf](http://www.corestandards.org/assets/CommonCoreReport_6.10.pdf).

<sup>31</sup> It is unclear how 100% word-for-word adoption or the 15% cap on additional standards is enforced. States are required to demonstrate that they have adhered to the aforementioned definition of adoption. (For more information, see <http://www.corestandards.org/assets/> and select the Common-Core-Standards-March-2010.ppt.) One possible indirect enforcement mechanism could be that a state would not be recognized as having adopted the Common Core State Standards if it failed to meet the aforementioned criteria and was then unable to claim that it was using standards that were “common” to multiple states or being used by a “significant” number of states. Being able to make these types of claims was important to states competing for RTT funds and for those states that submitted applications for the ESEA flexibility package, as discussed in subsequent sections of this report.

<sup>32</sup> For more information see Common Core State Standards Initiative, <http://www.corestandards.org/standards-in-your-state/>.

<sup>33</sup> South Carolina State Department of Education, *Common Core Standards*, <http://ed.sc.gov/agency/programs-services/190/>.

<sup>34</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.

It should be noted that the CCSSI did not develop assessments aligned with the standards. While having a set of common standards could arguably lend itself to the development of a single set of assessments that could be used to compare student performance across states, the CCSSI did not develop such assessments. As discussed below, federal funds were ultimately made available to states working with assessment experts to support the development of assessments aligned with the Common Core State Standards.

## Race to the Top and Common Core State Standards and Assessments

The movement toward common standards and common assessments is not a federally led effort, *per se*. However, the movement has the support of the Obama Administration. In its blueprint for the reauthorization of the ESEA,<sup>35</sup> the Administration proposed requiring states to adopt and implement common standards, which would presumably include the aforementioned standards, or to have their standards vetted by a local university system.<sup>36</sup> As discussed in a subsequent section of this report, using waiver authority available to the Secretary under Section 9401 of the ESEA, the Administration has partially been able to achieve this goal. The Administration has also demonstrated support for the Common Core State Standards Initiative and assessments aligned with those standards through Race to the Top grants. In its RTT state grant competitions, states could receive points on their application for adopting “common” standards. The Administration also provided RTT grants to consortia to develop assessments aligned with a “common” set of standards being used by the states in the consortium. Both consortia that received grants are developing assessments that are aligned with the Common Core State Standards. Both RTT grant programs are discussed below.

### RTT State Grants

The Race to the Top 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, competitive grants were awarded to states that are implementing reforms in four areas:

1. enhancing standards and assessments;
2. improving the collection and use of data;
3. increasing teacher effectiveness and achieving equity in teacher distribution; and
4. turning around struggling schools.

About \$4 billion was awarded to 11 states and the District of Columbia in accordance with the ARRA provisions in two rounds of competitions (RTT Phase 1 and 2).<sup>37</sup> A third round of state

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<sup>35</sup> U.S. Department of Education, *A Blueprint for Reform: Reauthorization of the Elementary and Secondary Education Act*, March 2010, <http://www2.ed.gov/policy/elsec/leg/blueprint/blueprint.pdf>.

<sup>36</sup> For more on the Administration’s blueprint for ESEA reauthorization, see CRS Report R41355, *Administration’s Proposal to Reauthorize the Elementary and Secondary Education Act: Comparison to Current Law*, by (name redacted) et al.

<sup>37</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 (continued...)

grants were awarded in FY2011 using \$200 million provided through the Department of Defense and Full-Year Continuing Appropriations Act, 2011 (P.L. 112-10). Only states that were finalists in Phase 2 of the state grant competition were eligible to apply for a grant during Phase 3 of the competition.<sup>38</sup>

With respect to enhancing standards and assessments, ED specified that states had to adopt “internationally-benchmarked standards and assessments that prepare students for success in college and the workplace.”<sup>39</sup> States received points for their applications<sup>40</sup> to the extent to which they demonstrated their commitment to adopting the required standards, as evidenced by each state’s participation in a consortium of states that was working toward developing and adopting a “common set of K-12 standards” that met the aforementioned requirements. Points were also awarded for states that were working with a consortium that included “a significant number of states.” For the purposes of the grant competition, ED defined “common set of K-12 standards” to mean:

a set of content standards that define what students must know and be able to do and that are substantially identical across all States in a consortium. A state may supplement the common standards with additional standards, provided the additional standards do not exceed 15 percent of the State’s total standards for that content area.

As previously discussed, states adopting the Common Core State Standards were required to adopt the standards in their entirety but were permitted to add additional standards to the Common Core State Standards provided the additional standards did not exceed 15% of the state’s total standards for that content area, which mirrors the requirement included in the RTT state grant application. It should be noted that under current law, states were required to have standards in reading and mathematics for each of grades 3-8 and for at least one grade in grades 10-12.

For Phase 1 applicants, states were evaluated based on their plans for demonstrating their commitment to and progress toward adopting a common set of K-12 standards by August 2, 2010, or a specified date later in 2010 and their plans for subsequently implementing the standards. Phase 2 applicants had to meet similar requirements but had to demonstrate that they were making “significant progress” toward meeting their “high-quality” reform plans. Phase 3 applicants were required to demonstrate that they were working “toward jointly developing and implementing common, high-quality assessments aligned with a common set of K-12 standards that prepare students for college and careers.”<sup>41</sup>

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about the RTT program, see <http://www2.ed.gov/programs/racetothetop/phase1-resources.html>.

<sup>38</sup> These states 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>.

<sup>39</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>. Please note that all subsequent information about the RTT state grant competition was drawn from this *Federal Register* notice, hereafter referred to as *Federal Register*, RTT State Grant Competition Notice.

<sup>40</sup> For more information, see RTT State Grant Competition Notice, p. 59836-59872.

<sup>41</sup> Only states that were finalists in Phase 2 were permitted to compete for Phase 3 grants. For more information, see (continued...)

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>42</sup> States were also evaluated based on whether the consortium in which they were participating included a “significant” number of states.

In assigning points to applications, ED established general ranges for reviewers to use as a guide when reviewing applications.<sup>43</sup> Different ranges were established for high-quality, medium-quality, and low-quality responses. Of a possible 500 maximum points overall, a state could receive up to 40 points for its responses related to developing and adopting common standards and up to 10 points for implementing common, high-quality assessments.<sup>44</sup> ED instructed reviewers to assign “high” points to applications indicating participation in a consortium that was developing the required standards and that included a majority of the states in the nation. Reviewers were to assign “medium” or “low” points if the consortium included 50% or fewer of the states in the nation.<sup>45</sup> It should be noted that aside from the Common Core State Standards, there was no other set of standards being developed by a consortium of states that included enough states to meet the criteria to receive “high” points.

Similar scoring guidance was provided with respect to the state’s participation in a consortium of states developing the required assessment. Reviewers were also given scoring guidance with respect to the date by which the state committed to adopting common standards. “High” points were to be awarded to states that committed to adoption by August 2, 2010, for Phase 1 applicants and states that had actually adopted the standards by August 2, 2010, for Phase 2 applicants. “Low” points were to be awarded to any state that indicated common standards after August 2, 2010, but before the end of the 2010 calendar year. No points were awarded for states planning to adopt common standards after the 2010 calendar year.

Because states that agreed to adopt said standards received additional points in the RTT grant competition, more states may have agreed to adopt the Common Core State Standards than would have done so in the absence of such an incentive. **Appendix A** provides the date that each state adopted the Common Core State Standards. Based on an analysis of the dates by which states agreed to adopt the Common Core State Standards, 30 states and the District of Columbia had agreed to adopt the Common Core State Standards by August 2, 2010. An additional nine states agreed to adopt the Common Core State Standards at a later date during the 2010 calendar year. Six states adopted the Common Core State Standards after 2010.

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U.S. Department of Education, *Race to the Top Phase 3: Guidance and Frequently Asked Questions*, October 27, 2011, pp. Item C-2, <http://www2.ed.gov/programs/racetothetop/phase3-resources.html>.

<sup>42</sup> *Federal Register*, RTT State Grant Competition Notice, p. 59841.

<sup>43</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>44</sup> States could earn up to 20 points based on their plan for supporting their transition to the required standards and assessments.

<sup>45</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.

While states that failed to win a RTT state grant did not immediately alter their decisions about adopting the Common Core State Standards, as discussed above, some states that did not win RTT state grants are now reconsidering their adoption and implementation of the Common Core State Standards. For example, Indiana and Oklahoma are no longer using the Common Core State Standards. However, it should be noted (and is discussed in the next part of the report) that some states that did not win RTT state grants may have opted to continue with the adoption and implementation of the Common Core State Standards in response to requirements associated with receiving the ESEA flexibility package being offered to states by the Administration. It is not possible to assess how many states may have adopted the Common Core State Standards in the absence of the RTT State Grant competition or the ESEA flexibility package.

## RTT Assessment Grants

ED also used a portion of the funds appropriated under ARRA to award Race to the Top 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>46</sup> 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.

Under the RTT Assessment Grant competition, ED sought proposals for Comprehensive Assessment Systems and High School Course Assessment Programs with the majority of the available funding targeted at the Comprehensive Assessment Systems.<sup>47</sup> ED did not award grants with respect to the latter category of assessments, so the remainder of this discussion focuses on the Comprehensive Assessment Systems. In order to receive a grant under the Comprehensive Assessment Systems category, a consortium had to include a minimum of 15 states and an assurance from each state participating in the consortium that it would adopt a common set of college- and career-ready standards no later than December 31, 2011, and common achievement standards no later than the 2014-2015 school year.<sup>48</sup>

The absolute priority that applicants were required to meet focused on developing comprehensive assessment systems that measured student achievement against common college- and career-ready standards. 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:

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<sup>46</sup> 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>.

<sup>47</sup> Comprehensive Assessment Systems is more commonly referred to as the RTT Assessment Grants as no grants were awarded for the high school assessment component.

<sup>48</sup> 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/2010-8176.pdf>.

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.<sup>49</sup>

In September 2010, ED awarded grants under the RTT Assessment Grant competition to (1) the Partnership for the Assessment of Readiness for College and Careers (PARCC) and (2) the SMARTER Balanced Assessment Consortium (Smarter Balanced).<sup>50</sup> Each consortium subsequently received a supplemental grant award from unallocated ARRA funds. The total amount of funding provided to PARCC was \$185.9 million<sup>51</sup> and to Smarter Balanced was \$175.8 million,<sup>52</sup> for a total of \$361.7 million.<sup>53</sup> The grants were made to support project work through September 2014.<sup>54</sup> Various states are participating in each of the consortia as either governing states<sup>55</sup> or participating states. Overall, 34 states and the District of Columbia were involved with one or both consortia as of July 30, 2014.<sup>56</sup> State participation in this grant competition was voluntary, and, as noted by ED, the funds awarded support the development of common assessments based on common standards by non-federally affiliated groups.<sup>57</sup> However, a recent survey conducted by *Education Week* indicates that not all of these states are still planning to use the consortia-developed tests. For example, 17 states are still planning to use the assessments

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<sup>49</sup> Ibid.

<sup>50</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>.

<sup>51</sup> Florida serves as the fiscal agent for the grant to PARCC.

<sup>52</sup> Washington serves as the fiscal agent for the grant to Smarter Balanced.

<sup>53</sup> These data are current as of April 30, 2013. For more information, see ED Recovery Act Spending Plans, available online at <http://www2.ed.gov/policy/gen/leg/recovery/reports.html>.

<sup>54</sup> It appears that PARCC has requested a one-year no-cost extension through September 2015. (For more information, see U.S. Department of Education, Race to the Top Assessment Program, Awards, Final Budget Summary Table, available online at <http://www2.ed.gov/programs/racetothetop-assessment/awards.html>, last accessed on May 27, 2014.)

<sup>55</sup> A governing state "means a State that (a) is a member of only one consortium applying for a grant in the competition category, (b) has an active role in policy decision making for the consortium, and (c) is committed to using the assessment system or program developed by the consortium." (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/2010-8176.pdf>.)

<sup>56</sup> Governing states in the PARCC consortium include Arkansas, Colorado, the District of Columbia, Illinois, Louisiana, Maryland, Massachusetts, Mississippi, New Jersey, New Mexico, New York, Ohio, and Rhode Island. Pennsylvania is a participating state in the PARCC consortium. Governing states in the Smarter Balanced consortium include California, Connecticut, Delaware, Hawaii, Idaho, Iowa, Maine, Michigan, Missouri, Montana, Nevada, New Hampshire, North Carolina, North Dakota, Oregon, South Dakota, Vermont, Washington, West Virginia, Wisconsin, and Wyoming. Pennsylvania is an advisory state in the Smarter Balanced consortium. For more information, see <https://www.parcconline.org/parcc-states> (PARCC) and <http://www.smarterbalanced.org/about/governance/> (Smarter Balanced). For a list of states that originally committed to being involved with one or both of the consortia, see <http://www2.ed.gov/programs/racetothetop-assessment/applicant.html>.

<sup>57</sup> For more information, see U.S. Department of Education, "U.S. Secretary of Education Duncan Announces Winners of Competition to Improve Student Assessments," press release, September 2, 2010, <http://www.ed.gov/news/press-releases/us-secretary-education-duncan-announces-winners-competition-improve-student-asse>.

developed by the Smarter Balanced assessment consortium and 9 states and the District of Columbia are still planning to use the PARCC assessment. Of these states, some are considering using a non-consortium test for either grades 3-8 or high school.<sup>58</sup>

Both the PARCC and Smarter Balanced consortia are using the Common Core State Standards as the common standards to which their assessments will be aligned. All states associated with these consortia are required to use the standards to which the assessments are being aligned and to adopt the assessments being developed by the consortium to which they belong. 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 be further incentivizing 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. 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 and Common Core State Standards and Assessments

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>59</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>60</sup>

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<sup>58</sup> For more information, see “The National K-12 Testing Landscape,” *Education Week*, May 18, 2014.

<sup>59</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. For more information about the ESEA flexibility package, see CRS Report R42328, *Educational Accountability and Secretarial Waiver Authority Under Section 9401 of the Elementary and Secondary Education Act*, by (name redacted) and (name redacted).

<sup>60</sup> As of August 28, 2014, 22 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, Indiana, Kansas, Kentucky, Maryland, Michigan, Minnesota, Mississippi, Nevada, New York, North Carolina, Ohio, South Carolina, South Dakota, Virginia, and Wisconsin. Oklahoma’s request for an extension was denied as the state can no longer demonstrate that it has college- and career-ready standards in place. According to ED, 34 of the 35 states whose approval of the ESEA flexibility package expired this summer submitted an extension request. For more information, 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>; and U.S. Department of Education, “Obama (continued...)”

The waivers exempt states from various academic accountability requirements, teacher qualification-related requirements, and funding flexibility requirements that were enacted through NCLB. State educational agencies (SEAs) may also apply for optional waivers 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.<sup>61</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, as stated by ED, are as follows: (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.

Taken collectively, the waivers and principles included in the ESEA flexibility package amount to a fundamental redesign by the Administration of many of the accountability and teacher-related requirements included in current law. As of July 30, 2014, ED had approved ESEA flexibility package applications for 43 states, the District of Columbia, and Puerto Rico and was reviewing applications for two other states.<sup>62</sup>

The remainder of this section focuses on the first of the four principles that states are required to meet to receive the ESEA flexibility package.<sup>63</sup> Compliance with this principle requires states to adopt college- and career-ready standards and assessments aligned with these standards.

## College- and Career-Ready Expectations for All Students

To receive the ESEA flexibility package, an SEA must do the following:

- demonstrate that it has college- and career-ready expectations for all students by adopting college- and career-ready standards in reading/language arts and mathematics, at a minimum;
- implement such standards for all students and schools;
- develop and administer “annual, statewide, aligned, high-quality assessments” and corresponding academic achievement standards that measure student growth in grades 3-8 and once in high school;

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Administration Approves NCLB Flexibility Requests for Indiana and Kansas,” press release, August 28, 2014, <http://www.ed.gov/news/press-releases/obama-administration-approves-nclb-flexibility-extension-requests-indiana-and-ka>. 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. For more information see U.S. Department of Education, *ESEA Flexibility Submission Documents: Submission Window 3*, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/index.html>.

<sup>61</sup> 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>62</sup> Iowa and Wyoming have applications pending. California, Montana, North Dakota, Nebraska, and Vermont do not have approved state applications and do not have an application pending. Approved state applications and pending applications are available at <http://www.ed.gov/esea/flexibility/requests>.

<sup>63</sup> The third principle related to supporting effective instruction and leadership is discussed in a subsequent section of this report, Common Core State Standards and Teacher Evaluation. The second and fourth principles are not discussed in this report.

- commit to adopting English language proficiency (ELP) standards that “correspond” to its college- and career-ready standards and that address the academic language skills needed to meet the new college- and career-ready standards;
- commit to developing and administering ELP assessments aligned with the ELP standards; and
- report annually to the public on college-going and college credit-accumulation rates for all students and student subgroups in each LEA and each high school.<sup>64</sup>

## College- and Career-Ready Standards

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 and certified by a state network of institutions of higher education. The state is required to transition to and implement its new standards no later than the 2013-2014 school year.

For the purposes of the ESEA flexibility package, “college- and career-ready standards” are defined as follows:

content standards for kindergarten through 12<sup>th</sup> grade that build towards college and career readiness by the time of high school graduation. A State’s college- and career-ready standards must be either (1) standards that are common to a significant number of States; or (2) standards that are approved by a State network of institutions of higher education,<sup>65</sup> which must certify that students who meet the standards will not need remedial course work at the postsecondary level.<sup>66</sup>

It should be noted that “common to a significant number of states” is not defined. One set of standards that would appear to satisfy this requirement, however, is the Common Core State Standards, which are college- and career-ready standards. At the time the ESEA flexibility package was announced, over 40 states had already adopted the Common Core State Standards. In addition, it appears that college ready means that a student would not require remedial coursework at the postsecondary level. There does not appear to be a comparable definition of “career ready.”

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<sup>64</sup> ED states that the provision of this information would ensure that college- and career-ready standards are aligned with postsecondary expectations and would provide families with information about the “college-readiness rates” of local schools. (ED, *ESEA Flexibility*, p. 3).

<sup>65</sup> A state network of institutions of higher education (IHEs) means a system of four-year public IHEs that collectively enroll at least 50% of the students in the state who attend the state’s four-year public IHEs.

<sup>66</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*.)

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 or is implementing the Common Core State Standards as part of a larger set of state standards.<sup>67</sup> There are some states, however, that opted to have their standards approved by state institutions of higher education. For example, Minnesota has opted to implement the Common Core State Standards for ELA but not for mathematics. For mathematics, Minnesota is using 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.

### High-Quality Assessments<sup>68</sup>

With respect to assessments, to receive a waiver 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>69</sup> Among other conditions, “high-quality assessments” must meet the following requirements:

- produce student achievement data and student growth data that can be used to determine whether individual students are college and career ready or on track to being college and career ready;
- assess all students, including English Learners and students with disabilities;
- provide for alternate assessments based on grade-level academic achievement standards or alternate assessments based on alternate academic achievement standards for students with the most significant cognitive disabilities, consistent with 34 C.F.R. §200.6(a)(2); and
- produce data that can be used to inform determinations of school effectiveness for the purposes of accountability; determinations of individual and principal teacher effectiveness for purposes of evaluation; determinations of principal and teacher professional development and support needs; and teaching, learning, and program improvement.<sup>70</sup>

The ESEA flexibility request lists three options for SEAs to demonstrate compliance with the “high-quality assessments” requirements: (1) the SEA is participating in a state consortium funded by RTT;<sup>71</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

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<sup>67</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>68</sup> For general information about student assessment, see CRS Report R40514, *Assessment in Elementary and Secondary Education: A Primer*, by (name redacted).

<sup>69</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>70</sup> To see the complete list of requirements for a “high-quality assessment,” see *ESEA Flexibility*, pg. 10; <http://www.ed.gov/esea/flexibility>.

<sup>71</sup> For more information, see <http://www2.ed.gov/programs/racetothetop-assessment/index.html>.

has developed and begun administering “high-quality assessments” independent of the state consortia funded by RTT.<sup>72</sup>

## **Common Core State Standards and Teacher Evaluation**

Further complicating the landscape of state standards and assessments are efforts by the Administration through the RTT State Grants and the ESEA flexibility package to increase the number of states that develop and 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.

### **Race to the Top**

Subsection (D)(2) of the Race to the Top State Grant application<sup>73</sup> asked states to describe the extent to which they have developed plans and set annual targets to ensure that participating LEAs:

- establish clear approaches to measuring individual student growth;
- design and implement “rigorous, transparent, and fair evaluation systems for teachers and principals that (a) differentiate effectiveness using multiple rating categories that take into account data on student growth (as defined in this notice) as a significant factor, and (b) are designed and developed with teacher and principal involvement”;
- conduct annual evaluations of teachers and principals that include the provision of timely and constructive feedback; and
- use the results of these evaluations for “developing teachers and principals”; making decisions regarding compensation, promotion, and retention of teachers and principals; determining whether to grant tenure or full certification to teachers and principals; or removing ineffective tenured and untenured teachers and principals after providing opportunities for improvement.

Of a possible 500 points on a grant application, states’ plans for improving teacher and principal effectiveness based on performance accounted for a total of 58 points.

With respect to 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 on the state assessments under ESEA for tested grades

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<sup>72</sup> See *ESEA Waiver Request*, pg. 10; <http://www.ed.gov/esea/flexibility>. It should be noted that there is no requirement 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 a state network of institutions of higher education.

<sup>73</sup> A copy of the Race to the Top State Grant application is available at <http://www2.ed.gov/programs/racetothetop/applicant.html>.

and subjects and, as appropriate, other measures of student learning provided they are rigorous and comparable across classrooms.<sup>74</sup> Thus, teacher and principal effectiveness will be determined, in part, on student growth on assessments, which may include newly implemented assessments based on newly implemented standards, such as the Common Core State Standards.

## ESEA Flexibility Package

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

1. will be used for continual improvement of instruction;
2. meaningfully differentiate performance using at least three performance levels;
3. use multiple valid measures in determining performance levels, including data on student growth, and other measures of professional practice;
4. evaluate teachers and principals on a regular basis;
5. provide clear, timely, and useful feedback, including feedback that guides professional development; and
6. will be used to inform personnel decisions.<sup>75</sup>

An SEA must develop and adopt guidelines for these systems, and LEAs must develop and implement teacher and principal evaluation and support systems that are consistent with SEA guidelines. As with the other principles associated with the ESEA flexibility package, if a state was unable to commit to developing and implementing a teacher and principal evaluation and support system that met the aforementioned requirements, the state was ineligible to receive the ESEA waiver package.

States that had their ESEA flexibility packages approved in the first two windows of ED approval<sup>76</sup> were required to (1) begin developing their evaluation and support systems no later than the 2012-2013 school year, (2) pilot their systems no later than the start of the 2013-2014 school year and implement the systems no later than the 2014-2015 school year OR implement the systems no later than the 2013-2014 school year, and (3) have a plan in place by the end of the 2014-2015 school year to use the systems to improve instruction, guide professional development, and inform personnel decisions by the beginning of the 2015-2016 school year. States that had their ESEA flexibility packages approved in the third window of ED approval<sup>77</sup> were required to (1) begin developing their evaluation and support systems no later than the 2013-2014 school year, (2) pilot their systems no later than the start of the 2014-2015 school year “with the intent to implement the systems” no later than the 2015-2016 school year OR implement the systems no later than the 2014-2015 school year, and (3) have a plan in place by the end of the

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<sup>74</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>75</sup> Personnel decisions include hiring, firing, pay raises, and tenure. For more information, 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>76</sup> Approval windows 1 and 2 were from September 23, 2011 through February 28, 2012.

<sup>77</sup> The third approval window ran from February 29, 2012 through September 6, 2012, although ED continued to accept applications for the ESEA flexibility package after that deadline.

2014-2015 school year to use the systems to improve instruction, guide professional development, and inform personnel decisions by the beginning of the 2016-2017 school year.<sup>78</sup>

Under the ESEA flexibility package, depending on when a state had its 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.

## Issues Related to the Implementation of Common Core State Standards and Aligned Assessments

This section examines some of the issues that have been raised in relation to the Common Core State Standards. However, it is not intended to be a comprehensive or exhaustive examination of issues that have been raised.

### States' Voluntary Adoption and Implementation of 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.

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>79</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>80</sup>

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<sup>78</sup> U.S. Department of Education, ED, *ESEA Flexibility FAQs* Item C-59.

<sup>79</sup> U.S. Const., Art I, §8, cl 1.

<sup>80</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 (name redacted).

## National Standards and National Assessments

Concerns have been expressed that adoption and implementation of the Common Core State 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>81</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.

## National Standards Versus National Curriculum

The Common Core State Standards are not synonymous with a national curriculum. As discussed earlier in this report, 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.

## States that Initially Agree to Use the Common Core State Standards and Subsequently Drop Them

While 43 states and the District of Columbia have adopted the Common Core State Standards, there are debates occurring in some states regarding continued state adoption or implementation of the Common Core State Standards. Indiana became the first state that agreed to adopt and implement the Common Core State Standards as part of its ESEA flexibility package application but subsequently decided to drop them. The state legislature passed legislation that required the state board of education to adopt new college- and career-readiness standards before July 1, 2014. In response, Indiana developed new standards that analysts have found to be similar, “if not

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<sup>81</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>.

identical,” to the Common Core State Standards in many areas.<sup>82</sup> The Secretary did not act to revoke Indiana’s ESEA flexibility package. Rather, in a letter to the state, ED noted that Indiana must now submit an amendment to its approved ESEA flexibility package application that details how the state will remain in compliance with requirements related to college- and career-ready standards and assessments aligned with these standards for the 2014-2015 school year.<sup>83</sup> On August 28, 2014, ED announced that it was granting Indiana a one-year extension of the approval of its ESEA flexibility package.<sup>84</sup>

Other states have also announced or considered changes in their use of the Common Core State Standards. For example, Oklahoma has also opted to drop the Common Core State Standards. Oklahoma plans to develop “more rigorous academic standards” than the Common Core State Standards.<sup>85</sup> Oklahoma also received a letter from ED indicating that it needed to submit an amendment to its approved ESEA flexibility package. ED has since denied Oklahoma’s request for an extension of the approval of its ESEA flexibility package because the state can no longer demonstrate that it has college- and career-ready standards in place.<sup>86</sup> South Carolina has also announced changes in its use of the Common Core State Standards. Based on changes in state law, South Carolina must procure different assessments for the 2014-2015 school year and adopt new state standards prior to the start of the 2015-2016 school year.<sup>87</sup> The state will fully implement the Common Core State Standards for the 2014-2015 school year and then adopt new standards for the following school year. State officials have indicated that they lack the time to completely rewrite the standards, so their new standards may resemble the Common Core State Standards with some changes, such as the addition of requiring students to memorize multiplication tables.<sup>88</sup> ED recently granted South Carolina a one-year extension of the approval of its ESEA flexibility package that indicates that ED is satisfied with South Carolina’s plans with respect to standards and assessments.<sup>89</sup> Other states, such as Alabama, have considered dropping the Common Core State Standards.<sup>90</sup>

In general, if a state agrees to adopt and implement the Common Core State Standards and subsequently decides not to use these standards, the consequences of this action will differ

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<sup>82</sup> Andrew Ujifusa, “Indiana Finally OKs Standards to Replace Common-Core Adoption,” *Education Week*, April 28, 2014.

<sup>83</sup> For more information, see Letter from Deborah S. Delisle, Assistant Secretary, U.S. Department of Education, to The Honorable Glenda Ritz, Indiana Superintendent of Public Instruction, May 1, 2014, <http://www2.ed.gov/policy/eseaflex/secretary-letters/inp1ltr.html>.

<sup>84</sup> U.S. Department of Education, “Obama Administration Approves NCLB Flexibility Extension Requests for Indiana and Kansas,” press release, August 28, 2014, <http://www.ed.gov/news/press-releases/obama-administration-approves-nclb-flexibility-extension-requests-indiana-and-ka>.

<sup>85</sup> Catherine Gewertz, “Okla. Gov. Fallin: We Can Do Better Than Common Core,” *Education Week*, July 8, 2014.

<sup>86</sup> U.S. Department of Education, “Obama Administration Approves NCLB Flexibility Extension Requests for Indiana and Kansas,” press release, August 28, 2014, <http://www.ed.gov/news/press-releases/obama-administration-approves-nclb-flexibility-extension-requests-indiana-and-ka>.

<sup>87</sup> Letter from Deborah S. Delisle, Assistant Secretary, to The Honorable Mick Zais, State Superintendent of Education, July 31, 2014, <http://www2.ed.gov/policy/eseaflex/secretary-letters/sclr3.pdf>.

<sup>88</sup> Seanna Adcox, “Common Core standards could change little,” *The Post and Courier*, June 14, 2014, <http://www.postandcourier.com/article/20140614/PC1610/140619535/1435/common-core-standards-could-change-little>.

<sup>89</sup> Letter from Deborah S. Delisle, Assistant Secretary, to The Honorable Mick Zais, State Superintendent of Education, July 31, 2014, <http://www2.ed.gov/policy/eseaflex/secretary-letters/sclr3.pdf>.

<sup>90</sup> For example, see Andrew Ujifusa, “Choice, Standards Stir Alabama Heat,” *Education Week*, March 13, 2013.

depending on whether the state received a RTT grant based on an application that included the use of the Common Core State Standards, had an application approved for the ESEA flexibility package that included use of the Common Core State Standards, or has opted to use the Common Core State Standards only to meet the requirements of ESEA Title I-A. It should be noted that states that are using the Common Core State Standards for the purposes of a RTT grant or the ESEA flexibility package are also using them to meet the requirements of ESEA Title I-A.

First, if a state received a RTT grant that included use of the Common Core State Standards and the state is no longer going to use those standards, the state would be out of compliance with the terms of its grant agreement. ED could take any action permitted under law in response, including withholding grant funds. For example, ED labeled Hawaii as a “high-risk” state for failure to meet its grant commitments. Under the designation of “high risk,” Hawaii was able to access grant funds on a cost reimbursement basis only, meaning the state had to submit receipts for all expenditures for ED approval prior to drawing down any funds. In addition, the state was required to notify ED prior to obligating funds. ED also conducted an extensive on-site review in Hawaii, and the state was required to submit extensive monthly reports. ED also threatened to withhold RTT funds from Hawaii if it did not begin to demonstrate progress in meeting the terms of its grant agreement.<sup>91</sup>

There is precedent for ED to withhold funds from states for failing to comply with the requirements of their RTT state grants. In January 2014, ED informed Georgia that it was withholding \$9.9 million of the state’s \$400 million RTT grant for failure to implement a performance-based compensation system. The state opted not to ask for an administrative hearing, as the state has until September to resubmit a performance-based compensation plan and possibly recoup some of the RTT funds.<sup>92</sup> Thus, if a state were to be out of compliance with the requirements of its RTT state grant because it had decided to no longer use the Common Core State Standards, there are several actions that ED could take, including the withholding of funds.

Second, if a state has an approved ESEA flexibility package application that is based on using the Common Core State Standards to meet the principle related to college- and career-ready expectations for all students, ED could revoke the state’s ESEA flexibility package if the state ceased using these standards. If this were to occur, the state would revert to operating under the requirements of ESEA current law requirements. For example, this would include making adequate yearly progress (AYP) determinations and applying a specified set of outcome accountability requirements to LEAs and schools that failed to make AYP for at least two consecutive years.<sup>93</sup> As waivers of ESEA requirements are granted at the sole discretion of the Secretary, the actions and the timing of the actions the Secretary may take in response to a state dropping its use of the Common Core State Standards are difficult to predict. The Secretary could choose to discuss the change with the state and consider next steps to either meet the principle in

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<sup>91</sup> Letter from Ann Whalen, Director, Policy and Program Implementation, Implementation and Support Unit, to Honorable Neil Abercrombie, Governor, December 21, 2011, <http://www2.ed.gov/programs/racetothetop/amendments/hawaii-4.pdf> and Michele McNeil, “Ed. Dept. Takes Action Against Hawaii for Race to Top Stumbles,” *Education Week*, December 22, 2011.

<sup>92</sup> Letter from Ann Whalen, Director, Policy and Program Implementation, Implementation and Support Unit, to Honorable Nathan Deal, Governor, January 15, 2014, <http://www2.ed.gov/programs/racetothetop/amendments/georgia-15.pdf>. and Michele McNeil, “Georgia Forfeits, For Now, \$9 Million in Race to Top Funds,” *Education Week*, January 27, 2014.

<sup>93</sup> For more information about these provisions, see CRS Report R41533, *Accountability Issues and Reauthorization of the Elementary and Secondary Education Act*, by (name redacted).

a new way or to revert back to the current law provisions. In addition, a state could act at a future time to comply with the requirements of the ESEA flexibility package and be re-approved.

There is also precedent for the Secretary to rescind an ESEA flexibility package in an instance where a state has failed to adhere to the plan detailed in the state's application for a waiver.<sup>94</sup> For example, Washington State's request to extend its ESEA flexibility package through the 2014-2015 school year was recently denied by ED as the state had failed to submit final guidelines for its teacher and principal evaluation and support system that met the requirements associated with the approval of its ESEA flexibility package application. This means that the state and its LEAs must resume compliance with ESEA current law requirements starting with the 2014-2015 school year, unless Washington is able to meet the ESEA flexibility package requirements before the start of the school year.<sup>95</sup>

More generally, if a state chooses to adopt and implement the Common Core State Standards as its state standards to meet the reading and mathematics standards requirements included in ESEA Title I-A and the state later opts to change its standards, the state would need to adopt and implement a new set of state standards to meet the requirements of Title I-A. This would be the case even if the state were using something other than the Common Core State Standards to meet the requirements of Title I-A and opted to change its standards. The failure to adopt and implement new standards could jeopardize the state's Title I-A funding and funding for any program that bases its funding on the amount of Title I-A funding received (e.g., School Improvement Grants).

It should also be noted that ED has broad enforcement authority under GEPA. GEPA contains statutory provisions that are applicable to the majority of federal education programs administered by ED (including Title I-A programs), as well as provisions related to the powers and responsibilities of ED. Under GEPA, if the Secretary has reason to believe that the recipient of funds under any applicable program is failing to comply substantially with any legal requirement applicable to the funds, the Secretary may withhold further payments; issue a complaint to compel compliance through a cease and desist order; enter into a compliance agreement with the recipient; or take any other action authorized by law.<sup>96</sup> As a result, SEAs failing to comply with Title I-A requirements related to standards may be subject to the penalties and other enforcement measures specified in GEPA.

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<sup>94</sup> It should be noted that if ED were to rescind a state's ESEA flexibility package, under the provisions of ESEA Section 9401, the state could apply to ED for new waivers that would allow it to continue to implement policies and processes that were developed to receive the ESEA flexibility package. 20 U.S.C. §7861. For example, if the state developed a differentiated accountability system, the state could request a waiver to continue to use the differentiated accountability system rather than reverting to the outcome accountability requirements included in current law. However, the Secretary would retain sole discretion in determining which waivers to grant.

<sup>95</sup> For more information see, Letter from U.S. Education Secretary Arne Duncan to Honorable Randy Dorn, Superintendent of Public Instruction, State Department of Public Instruction, April 24, 2014, <http://www2.ed.gov/policy/eseaflex/secretary-letters/wad6.html>.

<sup>96</sup> GEPA, §§454-57; 20 U.S.C. §§1234c-1234f. For more details on ED's enforcement authority under GEPA, see CRS Report R41119, *General Education Provisions Act (GEPA): Overview and Issues*, by (name redacted) and (name redacted).

## Teacher Evaluation and Implementation Timeline

There are concerns among educators that the process of implementing new standards, new assessments, and new evaluation systems is moving too quickly.<sup>97</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>98</sup> Similarly, the American Association of School Administrators, the National Association of Elementary School Principals, the National Association of Secondary School Principals, and the National School Boards Association also expressed their support for the Common Core State Standards, but argued that schools have not had sufficient time to prepare teachers to incorporate the Common Core State Standards and aligned assessments into their teaching and that principals lack the preparation to lead efforts to implement the Common Core State Standards and aligned assessments, including being able to evaluate teachers' use of the new standards and determining the best professional development to support their teachers in implementing the standards. They note that "(e)ducators also need time to adjust to the seismic shift in practices and expectations of CCSS and related assessments."<sup>99</sup>

In 2013, ED announced that it would consider on a case-by-case basis allowing states to take up to one additional year before using the new teacher and principal evaluation systems to inform personnel decisions.<sup>100</sup> That is, depending on a state's approved timeline related to the teacher and principal evaluation systems, the state could delay for one year (but no later than the 2016-2017 school year) the use of these systems to determine personnel consequences, based in part on student growth data.<sup>101</sup>

In July 2014, ED agreed to allow states additional flexibility in implementing teacher and principal evaluation systems in its consideration of one-year extensions of the ESEA flexibility package.<sup>102</sup> ED is focusing its review of one-year extension applications on states' progress in meeting the first two principles of the ESEA flexibility package (standards, assessments, and differentiated accountability systems) in states that need to make substantive changes to their

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<sup>97</sup> For example, see Motoko Rich, "Delay Urged on Actions Tied to Tests by Schools," *New York Times*, June 10, 2014.

<sup>98</sup> Catherine Gewertz, "Sizing Up a Four-year Experiment," *Education Week*, April 23, 2014.

<sup>99</sup> American Association of School Administrators, the National Association of Elementary School Principals, the National Association of Secondary School Principals, and the National School Boards Association, "School Leadership Groups Urge 'Adequate Time' to Implement Common Core Standards," press release, May 29, 2013, <http://www.aasa.org/content.aspx?id=28586>.

<sup>100</sup> Letter from Arne Duncan, Secretary, to Chief State School Officers, June 18, 2013, <http://www2.ed.gov/policy/elsec/guid/secletter/130618.html>.

<sup>101</sup> ED released a frequently asked questions document related to this additional flexibility. It provides model timelines of how the schedule for the implementation of the teacher and principal evaluation systems could be modified. It also notes that this flexibility does not affect a School Improvement Grants grantee's timeline for implementing teacher and principal evaluation and support systems and the use of those systems for informing personnel decisions. Similarly, the flexibility does not affect a Teacher Incentive Fund grantee's timeline for implementing performance-based teacher and principal compensation systems that are based on the results of a teacher and principal evaluation system. RTT grantees could apply to amend their applications, but ED indicated that it would not approve changes that constitute a significant change in a state's scope of work. For more information, see U.S. Department of Education, *Frequently Asked Questions: Teacher Evaluation Flexibility*, 2013, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/college-career-ready/faqteacherevalflex.doc>.

<sup>102</sup> 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>.

implementation of teacher and principal evaluation systems.<sup>103</sup> In addition, ED has indicated that it will be developing a process to provide states with more support in meeting the requirements associated with the teacher and principal evaluation systems. Under this process, ED will work with states that have a plan in place for implementing the required teacher and principal evaluation systems and have the authority to ensure that LEAs in the state implement those systems but need additional flexibility to implement the plan. This additional flexibility will be focused on “offering flexibility where needed for targeted, State-specific adjustments to implementation steps, timelines, and sequencing.” The aforementioned 2014 correspondence from 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. For states applying for a one-year extension of approval of their ESEA flexibility packages, if approval is granted for an extension through the 2014-2015 school year, the state will be expected to work with ED on any proposed changes to the implementation of its teacher and principal evaluation systems.<sup>104</sup>

Subsequently, in August 2014, in recognition that most states will transition to new assessments during the 2014-2015 school year, ED announced that it will provide two additional flexibilities to states.<sup>105</sup> The first additional flexibility will be available to “SEAs that need flexibility to delay inclusion of student growth on State assessments in evaluation and support systems during the transition to new assessments aligned with college- and career-ready standards.” ED will provide SEAs with one additional year to incorporate student growth on state assessments into evaluation systems during the transition to new assessments if the SEA provides the following assurances:

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<sup>103</sup> If a state is not proposing changes or is only proposing technical changes to its teacher and principal evaluation systems, ED will consider the systems in its review of one-year extension applications.

As of August 28, 2014, 22 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, Indiana, Kansas, Kentucky, Maryland, Michigan, Minnesota, Mississippi, Nevada, New York, North Carolina, Ohio, South Carolina, South Dakota, Virginia, and Wisconsin. Oklahoma’s request for an extension was denied as the state can no longer demonstrate that it has college- and career-ready standards in place. According to ED, 34 of the 35 states whose approval of the ESEA flexibility package expired this summer submitted an extension request. For more information, 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>; and U.S. Department of Education, “Obama Administration Approves NCLB Flexibility Requests for Indiana and Kansas,” press release, August 28, 2014, <http://www.ed.gov/news/press-releases/obama-administration-approves-nclb-flexibility-extension-requests-indiana-and-ka>. 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. For more information see U.S. Department of Education, *ESEA Flexibility Submission Documents: Submission Window 3*, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/index.html>.

<sup>105</sup> U.S. Department of Education, “News from Secretary Duncan on Student Testing,” press release, August 21, 2014, Parents' Bulletin email message. For more information on Secretary Duncan’s recent thoughts on testing and teacher and principal evaluation, see 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/>.

1. The SEA must continue to implement its teacher and principal evaluation systems using multiple measures of student growth and must calculate student growth data based on state assessments during the “transition year” (i.e., year of additional flexibility) for all teachers of tested grades and subjects. This will help to ensure that the SEA and LEAs have the capacity to make these determinations in subsequent years.
2. Each teacher of a tested grade and subject and all principals must be provided with their student growth data based on assessments for the 2014-2015 school year for information purposes.

Second, SEAs that need other “implementation flexibility” with respect to their teacher and principal evaluation and support systems will have their requests considered on a case-by-case basis when ED considers requests for an extension of ESEA flexibility package approval beyond the 2014-2015 school year. SEAs requesting implementation flexibility will have to provide information on (1) the progress made in ensuring that each LEA is on track to implement the evaluation and support systems, (2) the reasons for the proposed change(s), and (3) the steps that the SEA will take “to ensure continuous improvement of systems that result in instructional improvement and enhanced student learning.”

SEAs interested in receiving these flexibilities will need to submit their requests with the required assurances or explanation in order to be eligible for an extension of ESEA flexibility beyond the 2014-2015 school year. During the current school year (2014-2015 school year), SEAs may continue to implement their teacher and principal evaluation and support systems as described in their current ESEA flexibility requests.

## Technology-Based Assessment

The assessments being developed by PARCC and Smarter Balanced are computer-based assessments. They will require schools to possess access to a certain level of technology (e.g., computers, bandwidth) to administer the assessments. The distribution of technology among schools is not uniform across the nation. While some schools may be well positioned to implement the new assessments, others may lack the hardware or connectivity to implement the assessments. In addition, some schools may have students who are fairly computer savvy and have opportunities to work on computers regularly, while other schools may have students whose exposure to computers is more limited. In the latter case, these students may be challenged not only by the reading and mathematics assessment but also by the task of using a computer to take a test.

For example, during the widespread administration of online assessments in spring 2013, some LEAs experienced technical difficulties (e.g., slow loading times, inability to log in). In Indiana, up to 8% of all test-takers experienced test interruptions, while in Kentucky school systems were ordered to suspend the administration of online end-of-course assessments due to dropped and slow connections in about 25 LEAs.<sup>106</sup> These types of difficulties have raised questions about whether schools will be able to administer the Common Core aligned assessments online and

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<sup>106</sup> Michelle R. Davis, “Online Testing Suffers Setbacks in Multiple States,” *Education Week*, May 7, 2013.

whether states will be able to “protect the validity, integrity, and security” of the testing process.<sup>107</sup>

One option available to states and LEAs that are unable to meet the technological requirements associated with administering computer-based assessments, possibly at a greater cost than the computer-based assessments,<sup>108</sup> is the use of paper-and-pencil tests. However, neither PARCC nor Smarter Balanced plans to make these types of tests available for the long term. PARCC estimates that the paper-and-pencil tests will be available for at least the first year of test administration (2014-2015).<sup>109</sup> Smarter Balanced has indicated that a paper-and-pencil option will be available for the first three years of operational testing.<sup>110</sup>

## Long-Term Maintenance of the Common Core State Standards and Aligned Assessments

In addition to concerns regarding continued adherence to the Common Core State Standards, questions remain regarding their long-term viability. The CCSSI has indicated that the NGA and CCSSO will continue to work with stakeholders to revise the standards as needed. It is unclear whether the group of stakeholders, particularly the states that worked on the development of the current version of the Common Core State Standards, will continue to be involved or would be willing to make changes to the current version of the standards, assuming agreement could be reached on how often the standards need to be changed and who would pay for the updating process. Questions are also being raised about the cost of implementing the standards and the development of materials to teach the standards and professional development for staff charged with delivering the content. In addition to maintaining the Common Core State Standards, it is also unclear who will pay the costs of updating the assessments aligned to the Common Core State Standards over time. If no federal funding is provided specifically for this purpose, it is possible that states may seek to use funds provided annually under the State Assessment Grant program (ESEA Title VI-A) to support this effort.

## ESEA Reauthorization and the Common Core State Standards and Assessments

The Common Core State Standards and the related assessments were not developed by the federal government or specifically called for or required by statutory language. With that said and as previously discussed, the Administration has taken steps through the RTT grants and the ESEA flexibility package to encourage the adoption and implementation of “common” standards by states. Possibly, at least partially in response to these incentives, 43 states and the District of Columbia have adopted and are implementing the Common Core State Standards. And, based on

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<sup>107</sup> Robin L. Flanigan, “Districts Upgrade Tech Ahead of Common-Core Testing,” September 30, 2013.

<sup>108</sup> For example, PARCC estimates that its assessments in reading, writing, and mathematics will cost \$29.50 per student for the computer-based administration of the assessment. The paper-and-pencil assessments will cost \$3.00 to \$4.00 more per students. (PARCC, *Frequently Asked Questions About the Cost of PARCC Tests*, July 2013, <https://www.parcconline.org/sites/parcc/files/CostFAQs07-22-2013.pdf>.)

<sup>109</sup> Ibid.

<sup>110</sup> Smarter Balanced Assessment Consortium, *Frequently Asked Questions*, Item 38, <http://www.smarterbalanced.org/resources-events/faqs/>.

the requirements of ESEA Title I-A, if states use the Common Core State Standards to meet the accountability requirements under Title I-A, the states must also have assessments that are aligned with the standards. In order to assist states in meeting this requirement, the Administration used funds available under ARRA to support the efforts of two consortia of states to develop assessments aligned with the Common Core State Standards, which were the standards being used by states in each consortium.

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 to not 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.

Regardless of the option selected, Congress may also wish to make related changes to current law. For example, Congress could alter existing accountability requirements by strengthening or weakening outcome accountability requirements. Related to these issues is whether Congress would modify the current statutory language that requires the adoption and implementation of "challenging" academic content standards and academic achievement standards to require the use of "college- and career-ready standards," as has been required by the Administration under the RTT grants and ESEA flexibility package. 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.

In addition to modifying the requirements of Title I-A, Congress may also opt to amend the prohibitions included in Title I and Title IX of the ESEA and the waiver authority included in Section 9401 to clarify the extent of the Secretary's authority with respect to conditioning the receipt of federal aid or waivers on a grantee's compliance with certain requirements, such as those related to standards and assessments, prescribed by the Administration.

## **Appendix A. State Participation in Race to the Top, Common Core State Standards, and ESEA Flexibility Package**

**Table A-1** provides state-by-state information on whether a state applied for a Race to the Top (RTT) State Grant and, if so, under which phase(s) the state applied. It also provides information on whether a state received a RTT State Grant award and under which phase the award was granted. The table also includes information on the date on which the state adopted the Common Core State Standards, if applicable. Finally, the table details the date on which the state applied for the ESEA flexibility package and the date on which the application was initially approved, if applicable.

**Table A-1. State Applications and Awards Under the Race to the Top (RTT) State Grant Competition, Adoption of the Common Core State Standards, and Application and Approval for the ESEA Flexibility Package**

State	RTT State Grant Competition Application Submitted	RTT State Grant Award	Date Common Core State Standards Adopted	ESEA Flexibility Package Submission Date	Original Date of Approval of ESEA Flexibility Package
Alabama	Phase I and 2	—	November 18, 2010	September 6, 2012	June 21, 2013
Alaska	—	Not applicable	Not adopted	September 6, 2012	May 20, 2013
Arizona	Phase I, 2, and 3	Phase 3 (12/23/11)	June 28, 2010	February 28, 2012	July 19, 2012
Arkansas	Phase I and 2	—	July 12, 2010	February 28, 2012	June 29, 2012
California	Phase I and 2	—	August 2, 2010	Did not apply <sup>a</sup>	—
Colorado	Phase I, 2, and 3	Phase 3 (12/23/11)	August 2, 2010	November 14, 2011	February 9, 2012
Connecticut	Phase I and 2	—	July 7, 2010	February 28, 2012	May 29, 2012
Delaware	Phase I	Phase I (awarded 3/20/10)	August 19, 2010	February 28, 2012	May 29, 2012
District of Columbia	Phase I and 2	Phase 2 (awarded 8/24/10)	July 22, 2010	February 28, 2012	July 19, 2012
Florida	Phase I and 2	Phase 2 (awarded 8/24/10)	July 27, 2010	November 14, 2011	February 9, 2012
Georgia	Phase I and 2	Phase 2 (awarded 8/24/10)	July 8, 2010	November 14, 2011	February 9, 2012
Hawaii	Phase I and 2	Phase 2 (awarded 8/24/10)	June 18, 2010	September 6, 2012	May 20, 2013
Idaho	Phase I	—	January 24, 2011	February 28, 2012	October 17, 2012
Illinois	Phase I and 2	Phase 3 (awarded 12/23/11)	June 24, 2010	February 28, 2012	April 18, 2014
Indiana	Phase I	—	Dropped in 2014 (adopted: 8/3/10)	November 14, 2011	February 9, 2012
Iowa	Phase I and 2	—	July 29, 2010	February 28, 2012	Awaiting approval

<b>State</b>	<b>RTT State Grant Competition Application Submitted</b>	<b>RTT State Grant Award</b>	<b>Date Common Core State Standards Adopted</b>	<b>ESEA Flexibility Package Submission Date</b>	<b>Original Date of Approval of ESEA Flexibility Package</b>
Kansas	Phase I	—	October 12, 2010	February 28, 2012	July 19, 2012
Kentucky	Phase I, 2, and 3	Phase 3 (awarded 12/23/11)	February 10, 2010	November 14, 2011	February 9, 2012
Louisiana	Phase I, 2, and 3	Phase 3 (awarded 12/23/11)	July 1, 2010	February 28, 2012	May 29, 2012
Maine	Phase 2	—	April 4, 2011	September 6, 2012	August 12, 2013
Maryland	Phase 2	Phase 2 (awarded 8/24/10)	June 22, 2010	February 28, 2012	May 29, 2012
Massachusetts	Phase I and 2	Phase 2 (awarded 8/24/10)	July 21, 2010	November 14, 2011	February 9, 2012
Michigan	Phase I and 2	—	June 15, 2010	February 28, 2012	July 19, 2012
Minnesota	Phase I	—	Adopted only the ELA standards (11/3/11)	November 14, 2011	February 9, 2012
Mississippi	Phase 2	—	June 28, 2010	February 28, 2012	July 19, 2012
Missouri	Phase I	—	June 15, 2010	February 28, 2012	June 29, 2012
Montana	Phase 2	—	November 4, 2011	Did not apply	—
Nebraska	Phase I and 2	—	Not adopted	Did not apply	—
Nevada	Phase 2	—	June 22, 2010	February 28, 2012	August 8, 2012
New Hampshire	Phase I	—	July 13, 2010	September 6, 2012	June 26, 2013
New Jersey	Phase I	Phase 3 (awarded 12/23/11)	June 23, 2010	November 14, 2011	February 9, 2012
New Mexico	Phase I	—	November 29, 2010	November 14, 2011	February 15, 2012
New York	Phase I and 2	Phase 2 (awarded 8/24/10)	July 19, 2010	February 28, 2012	May 29, 2012
North Carolina	Phase I and 2	Phase 2 (awarded 8/24/10)	June 3, 2010	February 28, 2012	May 29, 2012

State	RTT State Grant Competition Application Submitted	RTT State Grant Award	Date Common Core State Standards Adopted	ESEA Flexibility Package Submission Date	Original Date of Approval of ESEA Flexibility Package
North Dakota	—	Not applicable	June 20, 2011	Did not apply	—
Ohio	Phase I and 2	Phase 2 (awarded 8/24/10)	June 18, 2010	February 28, 2012	May 29, 2012
Oklahoma	Phase I and 2	—	Dropped in 2014 (adopted: 6/25/2010)	November 14, 2011	February 9, 2012
Oregon	Phase I	—	October 29, 2010	February 28, 2012	July 19, 2012
Pennsylvania	Phase I, 2, and 3	Phase 3 (awarded 12/23/11)	July 2, 2010	February 28, 2013	August 20, 2013
Puerto Rico	—	Not applicable	Not adopted	September 6, 2012	October 22, 2013
Rhode Island	Phase I and 2	Phase 2 (awarded 8/24/10)	July 1, 2010	February 28, 2012	May 29, 2012
South Carolina	Phase I and 2	—	Dropped in 2014 (adopted: 7/14/2010)	February 28, 2012	July 19, 2012
South Dakota	Phase I	—	November 29, 2010	February 28, 2012	June 29, 2012
Tennessee	Phase I	Phase I (awarded 3/20/10)	July 30, 2010	November 14, 2011	February 9, 2012
Texas	—	Not applicable	Not adopted	April 15, 2013	September 30, 2013
Utah	Phase I and 2	—	August 8, 2010	February 28, 2012	June 29, 2012
Vermont	—	Not applicable	August 17, 2010	Did not apply	—
Virginia	Phase I	—	Not adopted	February 27, 2012	July 24, 2012
Washington	Phase 2	—	July 20, 2011	February 28, 2012	July 6, 2012
West Virginia	Phase I	—	June 2, 2010	September 6, 2012	May 20, 2013
Wisconsin	Phase I and 2	—	June 2, 2010	February 28, 2012	July 6, 2012
Wyoming	Phase I	—	June 16, 2012	April 15, 2013	Awaiting approval

**Source:** Table prepared by CRS, July 29, 2014, based on data available from the following sources.

**Information on state applications for the RTT State Grant competition available from the U.S. Department of Education (ED):**

Phase 1 applications: <http://www2.ed.gov/programs/racetothetop/phase1-applications/index.html>

Phase 2 applications: <http://www2.ed.gov/programs/racetothetop/phase2-applications/index.html>

Phase 3 applications: <http://www2.ed.gov/programs/racetothetop/phase3-applications/index.html>

**Information on state grant awards under the RTT State Grant competition available from ED:**

Phase 1 grantees: <http://www.ed.gov/news/press-releases/delaware-and-tennessee-win-first-race-top-grants>

Phase 2 grantees: <http://www.ed.gov/news/press-releases/nine-states-and-district-columbia-win-second-round-race-top-grants>

Phase 3 grantees: <http://www.ed.gov/news/press-releases/department-education-awards-200-million-seven-states-advance-k-12-reform>

**Information on Common Core State Standards adoption:** Common Core State Standards Initiative, *Standards in Your State*, <http://www.corestandards.org/standards-in-your-state/>, accessed at multiple points in time.

**Information on state ESEA flexibility applications:** U.S. Department of Education, *ESEA Flexibility: State Requests and Related Documents*, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/index.html>.

- a. California applied for a package of waivers similar to those offered in the ESEA flexibility package under authority available under Section 9401 of the ESEA. One key difference between California's waiver application and the ESEA waiver package is that it did not include the development and implementation of a teacher and school leader evaluation system based, in part, on student achievement. While the state did not receive approval, a group of local educational agencies (LEAs) in California also applied for a package of waivers similar to those offered in the ESEA flexibility package and agreed to meet the four principles that ED was requiring from states. The LEAs' waiver application was approved.

## **Appendix B. Selected Acronyms Used in This Report**

ARRA: American Recovery and Reinvestment Act

AYP: Adequate yearly progress

CCSSI: Common Core State Standards Initiative

CCSSO: Council of Chief State School Officers

ED: U.S. Department of Education

ELA: English/language arts

ELP: English language proficiency

ESEA: Elementary and Secondary Education Act

DODEA: Department of Defense Education Activity

GEPA: General Education Provisions Act

IHE: Institution of higher education

LEA: Local educational agency

NCLB: No Child Left Behind Act

NGA: National Governors Association

PARCC: Partnership for the Assessment of Readiness for College and Careers

SEA: State educational agency

RTT: Race to the Top

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