

Myth vs. Fact
States Will be Required to Adopt or Keep Common Core Standards

Myth: The *Every Student Succeeds Act* codifies or cements the requirement for states to adopt the Common Core State Standards.

Fact: There are multiple provisions in the *Every Student Succeeds Act* that ensure the Secretary may have no control whatsoever about states' K-12 standards.

SEC. 1111. STATE PLANS.

(b) CHALLENGING ACADEMIC STANDARDS AND ACADEMIC ASSESSMENTS.—

(1) CHALLENGING STATE ACADEMIC STANDARDS.—

(G) PROHIBITIONS.—

(i) STANDARDS REVIEW OR APPROVAL.—A State shall not be required to submit any standards developed under this subsection to the Secretary for review or approval.

(ii) FEDERAL CONTROL.—The Secretary shall not have the authority to mandate, direct, control, coerce, or exercise any direction or supervision over any of the challenging State academic standards adopted or implemented by a State.

(H) EXISTING STANDARDS.—Nothing in this part shall prohibit a State from revising, consistent with this section, any standards adopted under this part before or after the date of enactment of the Every Student Succeeds Act.

SEC. 8526A. PROHIBITION AGAINST FEDERAL MANDATES, DIRECTION, OR CONTROL.

“(a) IN GENERAL.—No officer or employee of the Federal Government shall, through grants, contracts, or other cooperative agreements, mandate, direct, or control a State, local educational agency, or school’s specific instructional content, academic standards and assessments, curricula, or program of instruction developed and implemented to meet the requirements of this Act (including any requirement, direction, or mandate to adopt the Common Core State Standards developed under the Common Core State Standards Initiative, any other academic standards common to a significant number of States, or any assessment, instructional content, or curriculum aligned to such standards), nor shall anything in this Act be construed to authorize such officer or employee to do so.

(b) FINANCIAL SUPPORT.—No officer or employee of the Federal Government shall condition or incentivize the receipt of any grant, contract, or cooperative agreement, the receipt of any priority or preference under such grant, contract, or cooperative agreement, or the receipt of a waiver under section 8401 upon a State, local educational agency, or school’s adoption or implementation of specific instructional content, academic standards and assessments, curricula, or program of instruction developed and implemented to meet the requirements of this Act (including any condition, priority, or preference to adopt the Common Core State Standards developed under the Common Core State Standards Initiative, any other academic standards common to a significant number of States, or any assessment, instructional content, or curriculum aligned to such standards).”.

SEC. 8527. PROHIBITIONS ON FEDERAL GOVERNMENT AND USE OF FEDERAL FUNDS.

(a) GENERAL PROHIBITION.—Nothing in this Act shall be construed to authorize an officer or employee of the Federal Government, including through a grant, contract, or cooperative agreement, to mandate, direct, or control a State, local educational agency, or school’s curriculum,

program of instruction, or allocation of State or local resources, or mandate a State or any subdivision thereof to spend any funds or incur any costs not paid for under this Act.

(b) **PROHIBITION ON ENDORSEMENT OF CURRICULUM.**—Notwithstanding any other provision of Federal law, no funds provided to the Department under this Act may be used by the Department, whether through a grant, contract, or cooperative agreement, to endorse, approve, develop, require, or sanction any curriculum, including any curriculum aligned to the Common Core State Standards developed under the Common Core State Standards Initiative or any other academic standards common to a significant number of States, designed to be used in an elementary school or secondary school.

SEC. 8529. PROHIBITION ON FEDERALLY SPONSORED TESTING.

(a) **GENERAL PROHIBITION.**—Notwithstanding any other provision of Federal law and except as provided in subsection (b), no funds provided under this Act to the Secretary or to the recipient of any award may be used to develop, incentivize, pilot test, field test, implement, administer, or distribute any federally sponsored national test in reading, mathematics, or any other subject, unless specifically and explicitly authorized by law, including any assessment or testing materials aligned to the Common Core State Standards developed under the Common Core State Standards Initiative or any other academic standards common to a significant number of States.

SEC. 8544. STATE CONTROL OVER STANDARDS.

(a) **IN GENERAL.**—Nothing in this Act shall be construed to prohibit a State from withdrawing from the Common Core State Standards or from otherwise revising their standards.

(b) **PROHIBITION.**—No officer or employee of the Federal Government shall, directly or indirectly, through grants, contracts or other cooperative agreements, through waiver granted under section 8401 or through any other authority, take any action against a State that exercises its rights under subsection (a).

In addition, federal law contains this provision that applies to the Elementary and Secondary Education Act:

General Provisions Act

20 U.S. Code § 1232a

General Requirements and Conditions Concerning the Operation and Administration of Education Programs: General Authority of the Secretary

Section 438. Prohibition Against Federal Control of Education

This section clarifies that no provision of any applicable program 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." Additionally, no provision of any applicable program shall be construed to authorize the federal government to require "the assignment or transportation of students or teachers in order to overcome racial imbalance."