

Getting to the Core: Examining the Opposition to the Common Core Standards and the Potential for Successful Reform

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I. INTRODUCTION

“[E]ducation has a fundamental role in maintaining the fabric of our society. We cannot ignore the significant social costs borne by our Nation when select groups are denied the means to absorb the values and skills upon which our social order rests.”¹ This classic tenet written by Justice Brennan reflects the tremendous importance Americans place on ensuring that the education system in the United States facilitates achievement and success for all students. Toward this end, the many stakeholders in education have persistently attempted to reform the system over the past several decades, implementing initiatives ranging from the standards and accountability movement to the school choice movement. The inherent conflict over how best to reform the education system manifests itself in the tension between advocates for local control over education and those who favor using the resources of the federal government to nationalize achievement standards for all students. A microcosm of the inherent conflict in education is the vociferous, ongoing national debate surrounding state adoption of the Common Core standards.

In this article, I argue that the Common Core initiative, although not yet perfect in implementation, scope, or substance, has the potential to mediate the tension between federal and state control of education governance because it correctly focuses education reform on promoting improvement of student achievement. Part II provides an overview of the Common Core’s development and implementation. In Part III, I examine the opposition to the Common Core from stakeholders on the political right and left, and the influence of such opposition on the

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¹ *Plyler v. Doe*, 457 U.S. 202, 221 (1982).

implementation of the Common Core. Finally, Part IV advocates for the adoption of the Common Core and provides recommendations for improving the implementation of the Common Core.

II. BACKGROUND OF THE COMMON CORE

The Common Core State Standards Initiative (Common Core) is a state-driven effort to develop a clear, comprehensive, and high-level set of educational standards in English language arts and mathematics for grades K-12 that can be implemented across the United States.² The mission of the Common Core is to “prepar[e] America’s students for college and career.”³ The National Governors Association Center for Best Practices (NGA Center) and the Council of Chief State School Officers (CCSSO) led the effort to create the standards, and solicited input from parents, teachers, school administrators, and education experts as part of the process.⁴

The NGA Center and the CCSSO developed the standards according to specific criteria. These criteria included alignment with expectations for college and career success, consistency across all states, inclusion of both content and the application of knowledge through high-order skills, and informed development through international benchmarking.⁵ Further, the standards are research and evidence-based, and are designed to prepare all students for success in the global economic workplace.⁶ Experts have referred to the Common Core standards as the “Uniform Commercial Code of Education,” in the sense that they represent a best practices guide for the states.⁷

² MICHAEL J. KAUFMAN & SHERELYN R. KAUFMAN, *EDUCATION LAW, POLICY, AND PRACTICE: CASES AND MATERIALS* 364 (3d Ed., Aspen 2013).

³ COMMON CORE STATE STANDARDS INITIATIVE, <http://www.corestandards.org/> (last visited May 5, 2014).

⁴ See *Development Process*, COMMON CORE STATE STANDARDS INITIATIVE, <http://www.corestandards.org/about-the-standards/development-process/> (last visited May 5, 2014) [hereinafter COMMON CORE DEV. PROCESS] (“The standards are informed by . . . [t]he experience of teachers, content experts, states, and leading thinkers.”).

⁵ *Standards-Setting Criteria*, COMMON CORE STATE STANDARDS INITIATIVE 1-2 (last visited May 5, 2014), <http://www.corestandards.org/assets/Criteria.pdf>.

⁶ *Id.* at 1.

⁷ Michael Kaufman, Professor and Associate Dean of Academic Affairs, Loyola U. Chi. School of Law, Lecture in Education Law and Policy (March 26, 2014).

A. State Adoption

Although state education standards have been in place since the early 1990s, every state had its own definition of proficiency, which is the level at which a student is determined to be sufficiently educated at each grade level and upon graduation.⁸ States reasoned that the ensuing lack of standardization between states mandated the introduction of a comprehensive set of standards in order to maintain a high level of proficiency for all students and to avoid subjecting some students to lower standards that caused them to lag behind their domestic and international peers.⁹ Toward this end, the Common Core standards were designed to eliminate one of the most persistent criticisms of No Child Left Behind (NCLB), namely that states consistently lowered their standards to attain proficiency for more students and to avoid penalties.¹⁰

Presently, 44 states, the District of Columbia, and four territories have formally adopted the Common Core, and have worked to incorporate the Common Core standards into their state learning standards.¹¹ In many states, the state school board members formally adopted the standards, while in others the state superintendent of education, state legislature, or governor made or ratified the decision.¹² Most states are on track to fully implement the standards by the

⁸ COMMON CORE DEV. PROCESS, *supra* note 4.

⁹ *See id.*

¹⁰ Tamar Lewin, *Many States Adopt National Standards for Their Schools*, N.Y. TIMES (July 21, 2010), http://www.nytimes.com/2010/07/21/education/21standards.html?_r=0. *See also* WILLONA SLOAN, ASS'N FOR SUPERVISION AND CURRICULUM DEV., COMING TO TERMS WITH COMMON CORE STANDARDS (December 2010), *available at* <http://www.ascd.org/publications/newsletters/policy-priorities/vol16/issue4/full/Coming-to-Terms-with-Common-Core-Standards.aspx> (Addressing NCLB before the development of the Common Core, Secretary of Education Arne Duncan said: "We want to raise the bar dramatically in terms of higher standards. What we have had as a country, I'm convinced, is what we call a race to the bottom. We have 50 different standards, 50 different goal posts. And due to political pressure, those have been dumbed down. We want to fundamentally reverse that. We want common, career-ready internationally benchmarked standards.").

¹¹ *Standards in Your State*, COMMON CORE STATE STANDARDS INITIATIVE, <http://www.corestandards.org/standards-in-your-state/> (last visited May 5, 2014). Alaska, Indiana, Nebraska, Texas, and Virginia have not adopted the standards. *Id.* Minnesota has adopted only the English language arts standards. *Id.*

¹² COMMON CORE DEV. PROCESS, *supra* note 4.

2014-15 school year, while the timeline is unclear in a few states.¹³ States that adopt the Common Core are allowed to implement additional standards, as long as the Common Core represents at least 85 percent of their English and mathematics standards.¹⁴

B. Role of the Federal Government

As discussed previously, the Common Core is largely a state-driven initiative. The Common Core model invites each state to adopt the standards, and the goal is that the collective decision of the states will result in the development of common, nationwide educational objectives. Despite this apparently wide discretion left to the states, the federal Race to the Top (RTTT) initiative strongly incentivized states to adopt the Common Core. Importantly, adoption of standards that allow students to succeed in the global marketplace is one of the four education reform areas contemplated by the Department of Education in its creation of RTTT.¹⁵ Although RTTT does not explicitly require the adoption of any specific standards, states that adopt the Common Core are much more likely to receive federal RTTT grants or a temporary conditional waiver from the No Child Left Behind mandates.¹⁶

The key distinction regarding the Common Core is that although the standards are national in scope, they are not “national standards” per se, in the sense that states are merely encouraged, rather than required, to adopt them. Further, states did not face penalties for failing to adopt the

¹³ ASS’N FOR SUPERVISION AND CURRICULUM DEV., *FULFILLING THE PROMISE OF THE COMMON CORE: MOVING FROM ADOPTION TO IMPLEMENTATION TO SUSTAINABILITY* 25 (2012) [hereinafter ASCD], available at <http://educore.ascd.org/resource/Download/1d60f46d-b786-41d1-b059-95a7c4eda420>.

¹⁴ Lewin, *supra* note 10.

¹⁵ See U.S. DEP’T OF EDUC., *RACE TO THE TOP PROGRAM EXECUTIVE SUMMARY 2* (2009) (“Adopting standards and assessments that prepare students to succeed in college and the workplace and to compete in the global economy.”).

¹⁶ ASCD, *supra* note 13, at 10 (“Although states were not required to adopt the Common Core State Standards to compete for Race to the Top dollars, they were at an advantage if they did so. The initiative’s scoring system awarded additional points to states for promising to adopt those standards by August 2, 2010. Many of the states—41 in total—that applied for Race to the Top funds promised in their applications to adopt the Common Core State Standards.”). See also *Secretary Arne Duncan defends against growing criticism from left and right*, PBS NEWSHOUR, March 28, 2014 [hereinafter DUNCAN PBS NEWSHOUR], available at <http://www.pbs.org/newshour/bb/arnie-duncan-education-agenda/> (“If you adopt the Common Core, you’re much more likely to get Race to the Top grants, much more likely to get a temporary conditional waiver.”).

Common Core. Confusion over this difference has resulted in much of the partisan debate discussed below. Moreover, the Common Core standards are not curriculum; states, school districts, and teachers must still determine how and what to teach.¹⁷ In essence, rather than prescribing curriculum, the Common Core articulates learning objectives that states and localities are free to implement however they best see fit.

C. Development and Implementation

Some of the debate surrounding the Common Core emanates from misinformation regarding the entities that provided funding for the standards and assessments. Private parties, including the Bill and Melinda Gates Foundation, rather than the federal government, largely funded the development of the Common Core standards.¹⁸ Once the standards were in place, two state consortia, the Partnership for Assessment of Readiness for College and Careers (PARCC) and the Smarter Balanced Assessment Consortium (SBAC), vied for \$350 million in federal funding to design the assessments aligned to the standards.¹⁹ Although most states have chosen to participate in one of the two consortia, some states have decided to create their own assessments.²⁰ The assessments aim to provide meaningful feedback to ensure that students are progressing toward attaining necessary skills such as effective communication, problem solving, and critical thinking.²¹ These assessments are currently being field-tested and will be available in the 2014-2015 school year.²² Two additional consortia, working through the National Center and State Collaborative Partnership and the Dynamic Learning Maps Alternative Assessment System

¹⁷ DUNCAN PBS NEWSHOUR, *supra* note 16.

¹⁸ *Id.*

¹⁹ Stephen Sawchuk, *Vision, Reality Collide in Common-Core Tests*, EDUCATION WEEK (April 21, 2014), <http://www.edweek.org/ew/articles/2014/04/23/29cc-promises.h33.html>.

²⁰ *See id.* 23 states are part of the SBAC consortium and 14 states are part of the PARCC consortium, while 14 states are using a different assessment. *Id.*

²¹ Alison Wright, *The Common-Core Assessments: What Math Teachers Need to Know*, EDUCATION WEEK (March 5, 2014), http://www.edweek.org/tm/articles/2014/03/05/ndia_wright_fft.html?intc=mvs.

²² Sawchuk, *supra* note 19.

Consortium, are developing a new generation of assessments for students with the most significant cognitive disabilities.²³ Projections indicate that, by the 2014-15 school year, the common assessments will be operational, used for accountability, and used to ensure students are receiving the high-quality instruction necessary for success in college and for a career.²⁴

III. OPPOSITION TO THE COMMON CORE

The debate surrounding the Common Core is symptomatic of the larger polarization of politics at both national and state levels. Although education reform is an inherently political process, few education policy proposals have invited such rancorous debate or drawn the ire of constituents of both political parties as the Common Core. The Common Core has become a political football, and opposition to the standards has created strange alliances, including a coalition of conservatives, parents, unions, and teachers.²⁵ Ironically, at its inception, the Common Core had bipartisan support.²⁶

A. Opposition from the Political Right and Left

One pervasive notion surrounding the Common Core is that the initiative is a means for federal intrusion into the traditional domain of the states in setting their educational standards.²⁷ Much of the opposition in this vein comes from the political right, some of whom have labeled

²³ COMMON CORE DEV. PROCESS, *supra* note 4.

²⁴ ASCD, *supra* note 13, at 44.

²⁵ Kathleen McGrory, *For Common Core, a new challenge—from the left*, MIAMI HERALD (August 24, 2013), <http://www.miamiherald.com/2013/08/24/3583858/for-common-core-a-new-challenge.html>.

²⁶ See *Facing bipartisan backlash, Oklahoma reconsiders Common Core education standards*, PBS NEWSHOUR, April 11, 2014 [hereinafter OKLAHOMA PBS NEWSHOUR], available at <http://www.pbs.org/newshour/bb/common-core/> (The Common Core enjoyed broad and bipartisan support just a few years ago.).

²⁷ See Nick Anderson, *Governors, state school superintendents propose common academic standards*, WASH. POST (March 11, 2010), <http://www.washingtonpost.com/wp-dyn/content/article/2010/03/10/AR2010031000024.html> (“Some critics say common standards amount to a thinly disguised ruse to establish national standards under federal control -- an allegation that state and federal officials deny.”). See also Paul Takahashi, *State lawmakers hear pros, cons of Common Core standards*, LAS VEGAS SUN (April 22, 2014, 11:00 PM), <http://www.lasvegassun.com/news/2014/apr/22/state-lawmakers-hear-pros-cons-common-core-curricu/> (“Critics . . . believe the Common Core is a veiled attempt at a federal takeover of local education, a power grab for classroom curricula and student information.”).

the Common Core as “ObamaCore.”²⁸ These stakeholders fear that the federal government, through Secretary of Education Arne Duncan (Duncan), will drive national standards, tests, and curriculum. However, this fear of federal intrusion has drawn opposition from the political left as well. Diane Ravitch (Ravitch), former Assistant Secretary of Education and one of the nation’s foremost critics of the recent education reform movement, believes Duncan is becoming a de facto national school superintendent, and, because testing controls curriculum, the federal money spent on creating the PARCC and SBAC assessments represents federal direction of curriculum and instruction.²⁹ Duncan maintains the message that his goal is achieving higher standards and that he will not direct the curriculum geared toward teaching the standards.³⁰

Further criticism of the Common Core on the left revolves around the lack of field-testing of the standards. Ravitch, initially ambivalent about the Common Core, voiced her opposition to the standards in 2013.³¹ She warned that the standards were not field-tested, and that they were imposed without any prognostications regarding how they will affect students, teachers, and schools.³² In effect, she felt that the United States is “a nation of guinea pigs, almost all trying an unknown new program at the same time.”³³ Similarly, Governor Andrew Cuomo of New York has argued that execution of the standards was “flawed” in terms of the testing requirements.³⁴

A third issue generating opposition to the Common Core is the perception that the standards actually lower the expected level of achievement for students in states that had already implemented superior standards. Massachusetts, which ultimately adopted the Common Core

²⁸ OKLAHOMA PBS NEWSHOUR, *supra* note 26.

²⁹ DUNCAN PBS NEWSHOUR, *supra* note 16.

³⁰ *Id.*

³¹ See Diane Ravitch, *Why I oppose Common Core standards: Ravitch*, WASH. POST THE ANSWER SHEET (Feb. 26, 2013), <http://www.washingtonpost.com/blogs/answer-sheet/wp/2013/02/26/why-i-oppose-common-core-standards-ravitch/>.

³² *Id.*

³³ *Id.*

³⁴ OKLAHOMA PBS NEWSHOUR, *supra* note 26.

standards after bitter debate, is a prime example.³⁵ However, supporters of the Common Core counter this notion by claiming that the standards are superior to those in most states. Educational analysts at the Thomas B. Fordham Institute found the Common Core standards to be clearly superior to those currently in use in 39 states in math and 37 states in English; for 33 states, they found the Common Core was superior in both math and reading.³⁶ The Common Core initiative itself recognizes this criticism, and maintains that because the Common Core standards were informed by the best standards, both in the United States and internationally, all states will be increasing rigor and comprehension by adopting the Common Core standards.³⁷

Fourth, some opponents argue that the Common Core diminishes the teaching profession. These opponents suggest the standards undermine the intuition and control teachers can exercise in a classroom, because they emphasize data and keep in place the RTTT method of evaluating teachers based on student performance.³⁸ Ravitch also suggests the standards dictate, rather than suggest, what teachers should teach.³⁹

A fifth criticism of the Common Core standards is that the initiative represents a takeover of education by educational technology and consulting companies. First, Pearson, a prominent multinational education and publishing company, has placed a “gag order” on its tests, disallowing teachers from revealing the contents of the tests and parents from seeing the tests

³⁵ Sloan, *supra* note 10 (“In Massachusetts, home to what were widely considered the highest standards in the country, the adoption process generated heated debate.”). See also Lewin, *supra* note 10. Achieve Inc., a Washington-based education reform group, found the common core standards “more rigorous and coherent” than those in Massachusetts. *Id.* In contrast, the Massachusetts-based non-partisan Pioneer Institute found the Common Core standards less rigorous than those already in place in Massachusetts. *Id.*

³⁶ SHEILA BYRD CARMICHAEL ET AL., THOMAS B. FORDHAM INSTITUTE, THE STATE OF STATE STANDARDS—AND THE COMMON CORE—IN 2010 14-16 (July 2010), available at http://www.edexcellence.net/sites/default/files/publication/pdfs/SOSSandCC2010_FullReportFINAL_8.pdf.

³⁷ See *Myths vs. Facts*, COMMON CORE STATE STANDARDS INITIATIVE, <http://www.corestandards.org/about-the-standards/myths-vs-facts/> (last visited May 5, 2014).

³⁸ See Alexander Nazaryan, *Sorry, Louis C.K., but You’re Wrong About Common Core*, NEWSWEEK (May 1, 2014), <http://www.newsweek.com/sorry-louis-ck-youre-wrong-about-common-core-249313>.

³⁹ Ravitch, *supra* note 31.

even after their children take the tests.⁴⁰ This lack of accountability increases the stress surrounding the assessments among parents, students, and teachers. Second, because the assessments for the Common Core will eventually be done online, educational technology companies stand to make a hefty profit from developing the necessary tools.⁴¹ Third, billionaire philanthropist Bill Gates spent hundreds of millions of dollars to pay for writing the tests, evaluating them, and promoting them, and provided funding to education organizations (including teachers' unions) to advocate for them.⁴² Lastly, the fear of private interests meddling in education arose out of concerns regarding the commercialization of the exams stemming from some of the field tests administered to students.⁴³

Finally, much opposition to the Common Core stems from the perceived difficulty and inapplicability of the test questions. Due in part to several high-profile celebrity rebukes of the Common Core regarding the efficacy of test questions, the general public has joined the rising tide of opposition, and has found that the standards fail to meet their own criteria requiring that they be “clear and specific” and “understandable to the general public.”⁴⁴ The well-chronicled celebrity opposition to the Common Core has contributed to the growing movement calling for states to repeal their involvement in the Common Core.⁴⁵

⁴⁰ Josh Eidelson, “*The Common Core may actually fail*”: *Union chief sounds off on Christie, Rhee, and for-profit testing “gag order,”* SALON (April 29, 2014), http://www.salon.com/2014/04/29/the_common_core_may_actually_fail_union_chief_sounds_off_on_christie_rhee_and_for_profit_testing_gag_order/.

⁴¹ Diane Ravitch, *Louie C.K. Takes Aim at Common Core—And We’re All Smarter for It*, HUFFINGTON POST (May 2, 2014), http://www.huffingtonpost.com/diane-ravitch/louis-ck-common-core_b_5250982.html (“All testing must be done online, so the standards are a bonanza for the testing industry, the hardware industry, and the software industry.”).

⁴² *Id.*

⁴³ Stephanie Simon, *When Common Core becomes a punch line*, POLITICO (April 30, 2014), <http://www.politico.com/story/2014/04/common-core-louis-ck-chuck-norris-106218.html#ixzz30sHKikTC> (“[R]ecent tests given to students in New York featured questions studded with brand names like Nike and iPod, raising concerns about commercialization.”).

⁴⁴ See *Standards-Setting Criteria*, *supra* note 5.

⁴⁵ See, e.g., Ravitch, *supra* note 41 (Comedian Louis C.K. recently posted various tweets about the difficulties his daughters experienced with Common Core assessments in New York. In particular, he tweeted: “My kids used to

To summarize the partisan voices on both ends of the political spectrum, the Common Core is either a federal takeover of education on one hand, or an initiative erasing teacher autonomy in favor of the pernicious influence of private parties such as educational testing and technology companies on the other.

B. State Withdrawal

Due to the growing partisan debate surrounding the Common Core, numerous states have begun to revisit their decisions to adopt the Common Core standards.⁴⁶ More than a dozen states are currently debating legislation that would repeal their involvement in the Common Core initiative.⁴⁷ More than 200 bills on the national standards were introduced this year, and about half would slow or halt their implementation, according to the National Conference of State Legislatures.⁴⁸ This figure represents about an 85 percent increase from last year.⁴⁹

love math. Now it makes them cry. Thanks standardized testing and common core!").

⁴⁶ See, e.g., Mark Binker & Laura Leslie, *Lawmakers propose dumping Common Core standards in NC*, WRAL (April 25, 2014), <http://www.wral.com/lawmakers-propose-dumping-common-core-standards-in-nc/13591055/> (In mid-May, North Carolina will debate legislation that would remove the state from the Common Core and draft new standards); Seanna Adcox, *SC Senate approves replacing Common Core in 1 year*, THE STATE (May 1, 2014), <http://www.thestate.com/2014/05/01/3421090/sc-senate-approves-replacing-common.html> (South Carolina will replace the Common Core standards with standards adopted in the state by the 2015-16 school year); Julia O'Donoghue, *Bobby Jindal writes about his opposition to Common Core in USA TODAY*, NOLA.COM (April 24, 2014, 3:00 PM), http://www.nola.com/politics/index.ssf/2014/04/bobby_jindal_common_core.html (Louisiana Governor Bobby Jindal has repeatedly expressed his opposition to the Common Core after initially supporting it); Takahashi, *supra* note 27 (The Nevada legislature recently held a 10-hour legislative session to debate legislation calling for the state to opt out of the Common Core); OKLAHOMA PBS NEWSHOUR, *supra* note 26 (In April, the Oklahoma Senate voted in favor of a measure that would effectively halt the use of Common Core).

⁴⁷ Jane C. Timm, *States mull dropping Common Core*, MSNBC (April 4, 2014, 11:55 AM), <http://www.msnbc.com/morning-joe/states-mull-dropping-common-core>. See also *Common-Core Backlash: Track State Efforts*, EDUCATION WEEK (March 31, 2014), <http://www.edweek.org/ew/section/multimedia/2014-anti-cc-tracker.html>. More than a dozen bills to pause or review implementation of the Common Core have either been introduced or have passed one house in state legislatures. *Id.* Fifteen bills to repeal adoption of the Common Core have either been introduced or have passed one house in state legislatures. *Id.* In total, about 100 bills to slow, stop, or reverse Common Core requirements were introduced in state legislatures across the country this year, according to the National Conference of State Legislatures, an 85 percent increase over the year before. Reid Wilson, *Indiana first state to pull out of Common Core*, WASH. POST GOVBEAT (March 25, 2014, 11:36 AM), <http://www.washingtonpost.com/blogs/govbeat/wp/2014/03/25/indiana-first-state-to-pull-out-of-common-core/>.

⁴⁸ Timm, *supra* note 47.

⁴⁹ *Id.*

Indiana, which had previously adopted the Common Core, recently became the first state to opt out of the initiative, doing so in March of this year.⁵⁰ Indiana Governor Mike Pence cited a desire to make education decisions at the state and local level as a reason for Indiana's decision.⁵¹ However, Indiana recently adopted a replacement set of benchmarks created by a panel of faculty from Indiana universities and experts from the science and technology industries.⁵² Some stakeholders have been vocal about their belief that the new Indiana standards too closely mirror the Common Core standards.⁵³

IV. RECOMMENDATIONS

As stated previously, this paper argues that, despite the growing and widespread opposition to its adoption, the Common Core State Standards Initiative is an advisable undertaking that, with proper implementation, can improve student achievement across the United States. Each of the aforementioned bases of opposition to the Common Core presents a legitimate argument. However, the partisan debate surrounding the Common Core has needlessly amplified such opposition. Further, the need to enhance standards nationwide and to improve all students' opportunities for success in college and career outweighs the potential reasons for states to resist fully implementing the Common Core. As such, I propose recommendations for implementing the Common Core by addressing the arguments against such implementation.

First, the continued implementation of the Common Core requires strong direction, rather than coercion, from the federal government. Although the argument that the Common Core is a

⁵⁰ Summer Ballantine & Tom LoBianco, *Indiana becomes 1st state to withdraw from Common Core education standards*, ASSOCIATED PRESS (March 24, 2014), <http://www.usnews.com/news/us/articles/2014/03/24/indiana-withdrawing-from-common-core-standards>.

⁵¹ *Id.*

⁵² Summer Ballantine, *Indiana Approves Common Core Replacement Standards*, ASSOCIATED PRESS (April 28, 2014), <http://abcnews.go.com/US/wireStory/indiana-approves-common-core-replacement-standards-23503510>.

⁵³ *Id.* See also Timm, *supra* note 47 (“In essence, they’re saying they’re creating what’s called the Indiana Core. It’s not the Common Core . . . but their standards are almost mirroring exactly what is commonly referred to as the Common Core standards,” Utah’s Republican Gov. Gary Herbert said.”).

federal intrusion upon states' rights is exaggerated, there must be recognition that the federal government has played a strong role in the implementation of the Common Core. Clearly, there is more than a tenuous connection between many states adopting the standards and the increased likelihood of federal RTTT funds for doing so. However, because the Common Core standards do not enjoy widespread understanding among the general public, the bitter partisan debate has shaped their public perception.⁵⁴ Complicating matters, to this point the federal government has sent mixed messages of support for the Common Core.⁵⁵ The federal government should provide a strong voice detailing what the standards entail, so that the public is not subjected to mere talking points in a political debate. Federal ambivalence regarding the Common Core lends further credence to the argument that the true aim of the standards is being lost in the political shuffle.

Second, states and school districts must make concerted efforts to ensure that teachers receive the proper professional development in order to familiarize them with the Common Core standards.⁵⁶ The development of instructional materials and evaluation of current policies will be vital to successful implementation.⁵⁷ Further, maintaining teacher autonomy over curriculum is necessary. Teachers are professionals who can decide how best to communicate to their students the information necessary to achieving the standards. In this vein, the Common Core arguably reduces "teaching to the test" because it does not dictate curriculum, leaving this determination to

⁵⁴ See *Will new Common Core standards succeed in centralizing student learning?*, PBS NEWSHOUR, December 24, 2013, available at http://www.pbs.org/newshour/bb/education-july-dec13-education_12-24/ (As of December 2013, polling showed that 60-70% of Americans knew little about the Common Core.).

⁵⁵ Compare Lewin, *supra* note 10 (Duncan was "ecstatic" and called the fact that many states adopted the standards a "game changer" in 2010), with Michele McNeil, *In Testimony, Arne Duncan Continues to Distance Himself From Common Core*, EDUCATION WEEK POLITICS K-12 BLOG (April 8, 2014, 3:54 PM), http://blogs.edweek.org/edweek/campaign-k-12/2014/04/in_a_hearing_before_a.html (In April, Duncan distanced himself from the Common Core by claiming he supports high standards, whether or not they are common).

⁵⁶ ACHIEVE, INC., CLOSING THE EXPECTATIONS GAP 2013 ANNUAL REPORT 12 (2013), available at <http://www.achieve.org/files/2013ClosingtheExpectationsGapReport.pdf>.

⁵⁷ *Id.*

the states. Nevertheless, teachers must receive significant professional development so that the aim of the standards is realized.

Third, patience is a virtue regarding the implementation of the Common Core. It may take several years to determine the Common Core's impact on student achievement. States must continually review the data from the field tests and the actual assessments upon implementation next year. Some states have seen increased failure rates thus far due to the grading of the assessments on a tougher curve than that of previous assessments.⁵⁸ States must ensure the assessments are appropriate for all students, because the goal should be to improve, rather than aggravate, achievement gaps between groups of students.⁵⁹ Despite these potential difficulties, there is already some evidence that students are making progress despite the increased difficulty that comes with teaching to the Common Core standards.⁶⁰ Overall, despite the inevitable bumps that will come with increased difficulty, it is a worthy goal to provide students with more rigorous challenges to ensure they are successful.

Fourth, despite the influence of private corporations in the development of the Common Core, the initiative remains a state-led effort. Although it is perhaps overly suspicious to claim that companies such as Pearson are now driving education, there is certainly merit to the argument that there should be more transparency with the assessments and an end to the “gag orders” discussed above. If states and testing companies keep hiding the exams from public scrutiny, then parents and educators have a right to doubt their pedagogical value.⁶¹

⁵⁸ Simon, *supra* note 43.

⁵⁹ Ravitch, *supra* note 31 (Ravitch fears the standards will have a disparate impact on students who are English language learners, students with disabilities, and students who are poor and low-performing.).

⁶⁰ See Matthew Albright, *Delaware teachers laud Common Core progress*, DELAWARE NEWS JOURNAL (May 1, 2014), <http://www.delawareonline.com/story/news/education/2014/05/01/delaware-teachers-laud-common-core-progress/8588515/>.

⁶¹ Nicholas Tampio, *Why Common Core tests are bad*, CNN (April 24, 2014), <http://www.cnn.com/2014/04/23/opinion/tampio-common-core/>.

Finally, and perhaps most importantly, states must create a mechanism for revising the Common Core standards. Currently, no such mechanism exists.⁶² Without a plan to revise the standards as needed, standards found to be inadequate or developmentally inappropriate cannot be changed. Teachers, who are best suited to adapt the standards to their students' needs, should be given a forum for revising the standards.⁶³ If the goal of the Common Core is truly to prepare students for an ever-changing world, the standards themselves must remain dynamic enough to do so.

V. CONCLUSION

The Common Core represents an important and necessary shift in education reform. Through a uniform strengthening of curriculum, standards, and assessments, the Common Core may successfully raise the achievement of all students and prepare them for college, career, and citizenship. However, to this point, the Common Core has been poorly explained and poorly implemented, largely due to the partisan political debate surrounding its implementation. Despite the imperfect process thus far, it is far more advisable to continue to tweak the implementation of the standards rather than abandon the process entirely. Although it is perhaps an idealistic notion, this paper argues that the education system truly stands to benefit from an initiative combining national standards adopted by the states and the strong influence of teachers in determining how to teach those learning objectives. As such, the Common Core can potentially reform the education system to meet Justice Brennan's charge and ensure that no student is denied the means to learn the skills vital to success in our society.

⁶² Valerie Strauss, *Everything you need to know about Common Core – Ravitch*, WASH. POST ANSWER SHEET BLOG (January 18, 2014), <http://www.washingtonpost.com/blogs/answer-sheet/wp/2014/01/18/everything-you-need-to-know-about-common-core-ravitch/>.

⁶³ *Id.*