Congress of the United States
Washington, DC 20515

April 30, 2013

The Honorable Arne Duncan
Secretary
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202

Dear Secretary Duncan,

As you know, the Elementary and Secondary Education Act (ESEA) allows Congress to authorize and allocate funding for public K-12 education and, most importantly, is the primary vehicle in which we implement education policy reform. Most recently reauthorized through the No Child Left Behind Act of 2001 (NCLB), the ESEA expired on September 30, 2008 and has yet to be reauthorized. Since the ESEA's expiration, the Department of Education ("Department") has moved forward with education policy reform without Congressional input. Such action is, at best, in contravention with precedent.

In addition to expressing our concern with the Department's circumvention of Congress to reform education policy, we are writing to express our concerns with the implementation of Common Core standards and changes to federal data collection and disbursement policies.

In 2009, forty-six governors signed memoranda of understanding with the National Governors Association committing their states to the development and adoption of new education standards within three years. As we understand it, states had the option of adopting Common Core standards or creating their own equivalent standards. At the time, Common Core standards consisted of nothing more than the idea that states would collaborate to create uniformed education standards. Details about Common Core were not only unknown to the states, they did not exist. From there, the Department offered Race To The Top (RTTT) grants and NCLB waivers to states under the condition that each state would implement "college and career ready" standards. The only "college and career ready" standards with the Department's approval were Common Core.

In addition to the serious concerns we have regarding the Department's aforementioned coercion of states to opt-in to Common Core standards, many of which continue to have serious budgetary constraints and issues with existing education policies, we have become increasingly concerned over the development of Common Core standards themselves. Though initially promoted as state-based education standards, Common Core standards, as they have been developed over the last few years, are nothing of the sort. In just one very troubling instance, Common Core standards will replace state-based standardized testing with nationally-based standardized testing, the creation and initial implementation of which will be funded in full by the federal government. The long-term, annual administering of the exams, the cost of which has not been specified by the Department, is to be funded by the states.

As representatives from states across the nation, we understand the diverse cultures and state-specific education needs that exist in America. Moreover, we believe that state-based education policies are vital to the successful education of a child. As with most one-size-fits-all policies, Common Core standards fail to address the specific needs of our states.

Because states opted-in to Common Core standards, there is little Congress can do to provide any relief from these burdensome and misguided standards. Instead, the ability to opt-out of these standards lies with the state. With that in mind, we will be working with our respective state legislatures and governors

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to provide relief to our education systems. In the meantime, we urge you to work with Members of Congress to reauthorize the ESEA in a manner that allows state-specific education needs to be addressed.

Separate from reauthorization, we are extremely concerned over recent changes the Department has made to the manner in which the federal government collects and distributes student data.

As you know, the Family Educational Rights and Privacy Act (FERPA) was signed into law in 1974, guaranteeing parental access to student education records and limiting their disclosure to third parties. FERPA was intended to address parents' growing privacy concerns and grant parental access to the information schools use to make decisions that impact their children.

Once again circumventing Congress, in 2011 the Department took regulatory action to alter definitions within FERPA. With the technological advances that have occurred in recent years, changes to FERPA deserve the full scrutiny of the legislative process more so than ever before.

In addition, we understand that as a condition of applying for RTTT grant funding, states obligated themselves to implement a State Longitudinal Database System (SLDS) used to track students by obtaining personally identifiable information.

Regarding these two very concerning changes to the manner in which the government collects and distributes student data, we formally request a detailed description of each change to student privacy policy that has been made under your leadership, including the need and intended purpose for such changes. We also request that you submit to us the authority under which the Department has implemented Common Core and altered the aforementioned polices on student policy.

It is our sincere hope that the Department works with the Legislative Branch to implement any changes to education standards and student privacy policy. We look forward to your response and welcome the opportunity to address these issues in the future.

Sincerely,

Rep. Blaine Luetkemeyer (MO-03)

Rep. Rob Bishop (UT-01)

Rep. Kerry Bentivolio (MI-11)

Rep. Michele Bachmann (MN-06)

Rep. Thomas Massie (KY-04)

Rep. Steve Stockman (TX-36)

Rep. Rick Crawford (AR-01)

Rep. Jason Chaffetz (UT-03)

Rep. Ann Wagner (MO-02)

Rep. Vicky Hartzler (MO-04)

Rep. Paul Broun (GA-10)

Rep. Tim Huelskamp (KS-01)

Rep. David McKinley (WV-01)

Rep. Sam Graves (MO-06)

Rep. Jim Jordan (OH-04)

Rep. Paul Gosar (AZ-04)

Rep. John Duncan (TN-02)

Rep. Randy Neugebauer (TX-19)

Rep. Marsha Blackburn (TN-07)

Rep. Kevin Yoder (KS-03)

Rep. Dan Benishek (MI-01)

Rep. Bill Johnson (OH-06)

Rep. Andy Harris (MD-01)

Rep. Richard Nugent (FL-11)

Rep. Scott Garrett (NJ-05)

Rep. Jack Kingston (GA-01)

Rep. Doug Lamborn (CO-05)

Rep. Trey Radel (FL-19)

Rep. Scott Rigell (VA-02)

Rep. Ted Yoho (FL-03)

Rep. Brad Wenstrup (OH-02)

Rep. Pete Olson (TX-22)

Rep. John Fleming (LA-04)

Rep. Lynn Jenkins (KS-02)