



Testimony to the Texas House of Representatives Select Committee on State Sovereignty

by **Jim Stergios**

Thursday, April 14, 2011

Let me start by thanking **Chairman Creighton** and **Vice Chair Martinez Fischer** for the opportunity to testify today; **Representative Huberty** for filing this important piece of legislation and invitation; and **Texas Commissioner of Education Robert Scott** for his leadership.

My name is Jim Stergios, executive director of the Boston-based think tank, Pioneer Institute and with me is Jamie Gass, director of Pioneer's Center for School Reform. We're visiting in Texas to testify in favor of **H.B. No. 2923**.

What is the proper authority of the state governments in relation to the national government? Thomas Jefferson perhaps said it best in the 1798 Kentucky Resolutions:

“Resolved, That the several States composing, the United States of America, are not united on the principle of unlimited submission to their general government.

Jefferson asserted that the Constitution of the United States outlined “a general government for special purposes”; and

delegated to that government certain definite powers, reserving, each State to itself, the residuary mass of right to their own self-government.

He noted that whenever “the general government assumes undelegated powers, its acts are unauthoritative, void, and of no force.”

What Jefferson said in the late 18th-century is particularly true today, especially as it relates to K-12 education in America. We come to Texas bearing a cautionary tale from Massachusetts, a state that until late July was regarded—by experts across the spectrum—as having the best K-12 academic standards and testing in the nation.

Jim Stergios is Pioneer's Executive Director. Prior to joining Pioneer, he was Chief of Staff and Undersecretary for Policy in the Commonwealth's Executive Office of Environmental Affairs, where he drove efforts on water policy, regulatory and permit reform, and urban revitalization. His prior experience includes founding and managing a business, teaching at the university level and in public and private secondary schools, serving as headmaster at a preparatory school, and writing for newspapers. Jim holds a doctoral degree in Political Science.

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The development of Massachusetts' standards really started in 1993 with the landmark Massachusetts Education Reform Act that was forged by Republican Governor William Weld and Democratic state legislative leaders Thomas Birmingham and Mark Roosevelt. That law included generous state funding (\$100 billion in all since it was enacted, a staggering sum for a small state like Massachusetts), high academic standards, high-stakes student and teacher testing, charter public schools, and accountability for all in the public school system.

Ultimately, it was those standards and reforms that catapulted the Bay State to number one academically in the country.

In 2005, Massachusetts became the first state ever to finish first in all four categories measured by the National Assessment of Educational Progress (NAEP). The next two times the tests, known as "the Nation's Report Card," were administered in 2007 and 2009, students again swept every category. In 2008, Trends in International Mathematics and Science Study testing demonstrated that Massachusetts' students are also globally competitive; tying for first in the world in eighth-grade science.

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The state's reforms are also helping narrow race- and poverty-based achievement gaps. NAEP data show that between 2002 and 2009, scores for African-Americans and Hispanics on both fourth- and eighth-grade ELA testing improved more rapidly than those of white students. In 2008, educational standards expert E.D. Hirsch Jr. said:

"If you are a disadvantaged parent with a school-age child, Massachusetts is . . . the state to move to."

In terms of academic excellence and equality of opportunity, our state standards and testing are at the heart of historic national and international successes.

Sadly, this type of success appears to be over for Massachusetts. Last summer, the Massachusetts Board of Education—without so much as a legislative hearing or vote—discarded our state's standards and testing in favor of the weaker quality so-called Common Core State Standards Initiative and yet to be developed national testing.

Prior to that vote, and as Professor Sandra Stotsky will tell you in far greater detail, Pioneer Institute conducted four independent crosswalks or evaluations comparing the proposed national standards to state standards in Massachusetts, Minnesota, Indiana, and Texas. That is, the states with the highest standards in the country. In every case, our experts found Common Core to be of lower quality. Again, Professor Stotsky will go into this in greater detail, but is worth noting that, according to our research, Texas has ELA standards that were as good, or better, than the ones we had in Massachusetts. And we understand that Texas is increasing the rigor of its math standards. We are confident that with these revisions, Texas will have the best academic standards in the country.

However, there are other reasons why Texas' stand against the Common Core is important not only to Texas but also for Massachusetts and the whole country. Let me note four reasons.

(1) According to American law, practice and custom since 1789, and to protect the right to self-government that is vitally important for both fiscal and political reasons, K-12 education is properly the legal domain of our state and local governments. Unlike other nations, the United States has never had a "national" system of education, but rather, a collection of largely autonomous state systems. The Bill of Rights is no mere list of suggestions, but foundational law. The 10th Amendment to the US Constitution is clear

"The powers not delegated to the United States by the Constitution, nor prohibited by it to the

States, are reserved to the States respectively, or to the people.”

Those in favor of a more centralized approach to government often like to cite Abraham Lincoln and the Civil War as source for assuming powers the national government in fact does not possess. Since this week is the 150th anniversary of the beginning of the Civil War, let me remind you of President Lincoln’s 1860 Republican Party platform:

“That the maintenance inviolate of the rights of the states, and especially the right of each state, to order and control its own domestic institutions according to its own judgment exclusively, is essential to that balance of power on which the perfection and endurance of our political fabric depends...”

(2) State and local governments have – in some cases for centuries – overseen public education in America. Our Framers understood that the country’s most precious resource—its children—should be controlled by parents, families, neighbors, and the elected officials who are most directly answerable to citizens.

By contrast, it is noteworthy that the national standards advocates are largely unelected and unaccountable Washington, D.C. trade organizations or special interests. The list includes the Gates Foundation, Achieve, Inc., the Council of Chief State Schools Officers (CCSSO), and the National Governors Association (NGA). The membership of these entities is, in some instances, comprised of elected and appointed officials. Tax dollars are used to pay their dues. But these groups are not directly accountable to the state and local citizens. This is a troubling development for our democracy.

Not surprisingly, the advocates of the national standards now seek to change federal law to advance a “national curriculum,” which the Elementary and Secondary Education Act (ESEA) currently forbids.

(3) The third reason Texas’ stand against Common Core and for state sovereignty is important is that 32 years after the 1979 establishment of the United States Department of Education, states

and municipalities continue to pay for 90 percent of the cost of K-12 education in this country. Why would state taxpayers pay the vast majority of the cost of educating its schoolchildren, then rely on others to set the academic standards, select the readings and texts, and determine the parameters by which student performance is measured and evaluated?

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(4) Finally, while advocates for a more nationalized structure in education decry the lack of progress in the states, there are several states, including Massachusetts, Texas, Florida, New Jersey, Indiana, and Minnesota, among others, that have made great strides and measurable educational progress.

Meanwhile, the one jurisdiction where the US Congress and federal government have the most authority over schooling—Washington, DC—has had for more than 30 years had schools that are among the very worst in the country.

We urge you to pass **H.B. No. 2923** to retain sovereignty over your own state’s educational destiny. We urge you to continue to improve your academic standards and chart a different course from the one-size-fits-all federal solutions being advanced elsewhere. We urge you to assume the leadership role in educational standards that Massachusetts has given up. One of your state’s popular slogans is “Don’t mess with Texas”; we wish Massachusetts had those same convictions.

About Pioneer

Pioneer Institute is an independent, non-partisan, privately funded research organization that seeks to improve the quality of life in Massachusetts through civic discourse and intellectually rigorous, data-driven public policy solutions based on free market principles, individual liberty and responsibility, and the ideal of effective, limited and accountable government.



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