



## The Every Child Achieves Act – A Wolf in Sheep’s Clothing No Child Left Behind Rewrite Will Drive a National Education Agenda

*The following is a nonexhaustive list of fatal problems with the bill.*

1. The Every Child Achieves Act (ECAA) is 792 pages, 122 pages (20%) *longer* than No Child Left Behind (NCLB) -- hardly a move in the right direction.
2. Proponents cite the inclusion of new language restricting the U.S. Department of Education (USED) from, for example, coercing states into adopting the Common Core national standards. However:
  - a. That language largely replicates existing protections (*see* Robert Eitel & Kent Talbert, *The Road to a National Curriculum*, PIONEER INSTITUTE, no.81 (2012));
  - b. As with existing protections, the proposed provisions **fail to provide an enforcement mechanism for the states** and thus depend on the goodwill of USED or congressional action (which was non-existent when USED foisted Common Core on the states);
  - c. ECAA negates the protections anyway: A stated purpose is for state alignment to the same “college-and-career-ready” standards -- language that is code for Common Core. Sec. 1001. See further discussion below.
3. ECAA continues the USED-state master-servant relationship, requiring states to submit education plans and giving USED enormous authority to approve them. Sec. 1111(a)(4).
4. ECAA retains federal testing mandates that children be tested for math and English in each grade 3-8 and for science once in each of the following grade spans: 3-5, 6-9, and 10-12. It also requires that these test scores be used as a “substantial” portion of a school’s grade to determine which schools will be identified for interventions, thus continuing the “teach-to-the-test” environment of NCLB. Sec. 1111(b)(2)(B)(v)(I)(aa)-(bb) and Sec. 1111(b)(3)(B)(iii)(II).
5. ECAA **adds to the list** of federal programs a state must consult in developing its plan and *requires* standards to be aligned with federally approved workforce and early-childhood standards. Sec. 1111(a)(1) & Sec.1111(b)(1)(D).
6. If a state plan fails to meet the *requirements* of a listed program, USED has the authority to disqualify the state plan unless the state agrees to make the mandated changes. Any prohibitions on USED’s interfering with state standards, assessments, and accountability don’t apply to the “*requirements*” of the Act. Sec. 1111(a)(4),(5).



7. ECAA requires statewide curriculum standards, assessments, and accountability systems to prepare students “for postsecondary education or the workforce,” *i.e.*, “college- and career-ready.” The preparation for postsecondary education must (theoretically) enable the student to succeed “without remediation.” All this is code language for Common Core-aligned standards. Sec. 1111(b)(1)(D), (b)(3)(B). It thus puts downward pressure on states to keep Common Core standards, or similar standards, in place.
8. ECAA contains a *requirement* for states to “demonstrate” that the state standards are “aligned” to the same criteria used to establish Common Core: “entrance requirements, without the need for academic remediation, for the system of public higher education.” Any prohibition included to stop USED from coercing states to use Common Core or other specific standards is meaningless. USED won’t have to *force* anything, because alignment to the same criteria as “college-and-career-ready” is a *requirement* of the bill. Sec. 1111(b)(1)(D)(i)-(ii).
9. ECAA mandates that a state’s accountability system penalize schools that don’t enforce the requirement that 95% of all their students take the state assessment: The state must provide “a clear and understandable explanation of how the State will factor this requirement [95% student participation in state assessments] into their accountability system determinations.” This is an attack on parental rights and the Opt-Out movement. Sec. 1111 (b)(3)(B)(vi).
10. ECAA dictates particular types of testing that are extraordinarily expensive, have a history of failure, and are designed to inject more intrusive psychological data-collection and psychological profiling/manipulation into the assessments. Sec. 1111(b)(2)(B)(vi) and (xiii).
11. ECAA maintains NCLB’s requirement that the state assessment produce not just test scores, but “individual student interpretive, descriptive, and diagnostic reports.” Unlike NCLB, ECAA requires assessment on behavioral/skills-based standards rather than truly academic standards. The data produced under this language could resemble a psychological profile of the student. Sec. 1111(b)(2)(B)(x).
12. States in PARCC and SBAC are currently required to make these profiles available to USED. Nothing would prevent USED from making other states submit those student-level profiles as well. ECAA’s limitations on what data USED may demand are too weak; USED may demand information from any “existing State or local data source.” Sec. 1111(a)(6).
13. ECAA does nothing to stop the National Assessment of Educational Progress (NAEP) from implementing its planned and unconstitutional affective probing of students’ “mindsets,” “grit,” or other psychological traits.



14. ECAA removes protection against socioemotional profiling in the statewide assessments (eliminating NCLB's prohibition against including assessment items that "evaluate or assess personal or family beliefs and attitudes") and fails to protect against other psychological data-gathering in any other federal education program covered by ESEA.
15. ECAA continues to give the federal government influence over how states grade their schools in state accountability systems. Although it claims states may design their own systems, it negates real discretion by detailing the framework of that system and its most important requirements. Sec. 1111 (b)(3)(B)(iii).
16. While NCLB required academic standards and achievement levels be applied to "public elementary and secondary schools," ECAA extends the tentacles of federal control into public preschools by making this a requirement for "all public schools" and "public school students," not just elementary and secondary. Sec. 1111(b)(1)(B)-(C).
17. ECAA's Early Learning Alignment and Improvement Grants (Sec. 5902) offer new federal funds that states "shall use to develop, implement, or improve . . . a statewide system . . . of voluntary early care and learning."
  - a. Note that this program is not exclusively for early *educational* programs and includes "early care," or childcare.
  - b. Any funding under this grant must be made available through "existing Federal, state, and local sources," including Head Start and the Child Care and Development Block Grant, two very expensive and ineffective programs.
  - c. States must demonstrate how they will pay for the program after the three-year federal grant expires.
  - d. There is no evidence that such early-childhood programs have educational benefit, and significant evidence that they may actually do academic and emotional harm.
  - e. These programs do, however, benefit the central planners by allowing government bureaucrats to gain influence over children from their earliest years.
18. ECAA requires the statewide preschool standards to align with federal standards established under Head Start and the Child Care and Development Block Grant (CCDBG) Act of 1990, creating national standards and achievement levels for our youngest students. Sec. 1111(b)(1)(D)(iii). These federal standards are heavily socio-emotional and result in the compilation of psychological data on young children.



19. ECAA includes “school climate” formula grants. This risks giving the federal government enormous power to model citizenship, to influence what is an appropriate world-view, and to pressure schools to suppress student expression of orthodox religious values. Sec. 4103, *et seq.*
20. Through these formula grants, ECAA funds “extended learning opportunities,” such as before- and after-school programs, summer programs, *etc.*, to ensure children spend less time with their families and more at school. Sec. 4105(a)(B). The grants also fund “comprehensive school-based mental health services and supports” that will enable “early identification of social, emotional, or behavioral problems . . .” Sec. 4105(a)(D)(ii)(I). This is more governmental surveillance of students’ attitudes and mindsets.
21. ECAA also allots money to fulfill Sec. Arne Duncan’s expressed desire of having schools become “21<sup>st</sup> –century community learning centers” (it even uses that exact terminology). Sec. 4201 *et seq.* This funding would encourage students to rely on the government school, not family or church, for “a broad array of . . . services, programs, and activities, such as youth development activities, service learning, nutrition and health education . . . counseling programs . . . [and] financial literacy programs . . .” [Do the drafters not see the irony of having the federal government promote “financial literacy”?] And to help out politically connected corporations, these programs should include “career and technical programs, internship or apprenticeship programs, and other ties to an in-demand industry sector or occupation for high school students . . .” Sec. 4201(a)(2).