



Florida Stop Common Core Coalition Comments on Florida's Draft ESSA State Plan
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As Florida's largest, active, statewide parent and citizen group concerned about standards, assessments, data and psychological privacy, the Florida Stop Common Core Coalition (FSCCC) offers the following public comments on the state's draft Every Student Succeeds Act (ESSA) plan.

Issues of Agreement – FSCCC strongly agrees with, commends, and supports the FLDOE on the following elements of the state plan¹:

1) **Seeking a waiver from the 95 percent testing mandate on page 21:**

Florida is seeking a waiver from ESEA section 1111(c)(4)(E) the requirement that 95% tested be calculated at the subgroup level and that the achievement calculation be modified if a school does not test 95% of students.

The federal government has no constitutional authority to decide what percentage of students are tested, and frankly, per the Florida Constitution, Article IX, Section 4,² that decision should be made by local districts, not the state. However, moving this decision from the federal to the state level is a strong step in the right direction.

2) **Not using any subjective factors that would require inaccurate surveys or other social emotional data collection** like “student engagement,” “educator engagement,” “school climate and safety,” or “any other factor”³ that could lead to increased psychological profiling in the school accountability scheme as discussed on p. 14 under school quality or student success. This was a key objection⁴ of a national coalition of parent groups that opposed ESSA, including FSCCC. We appreciate that the state is sticking to verifiable academic factors, at least to the extent that academic performance is based on valid tests and truly academic standards, which is certainly not true of all of the Florida Standards and the Florida Standards Assessments⁵.

¹ <http://www.fl DOE.org/core/fileparse.php/14196/urlt/ESSADraftStatePlan.pdf>

² “The school board shall operate, control and supervise all free public schools within the school district...”

³ http://blogs.edweek.org/edweek/rulesforengagement/2015/11/new_esea_may_use_non-cognitive_traits_in_accountability_is_that_a_good_idea.html?cmp=eml-enl-eu-news2

⁴ <https://truthinamericaneducation.com/elementary-and-secondary-education-act/top-12-concerns-about-every-student-succeeds-act-s-1177-hr-5/>

⁵ <http://www.flstopccoalition.org/files/45ACDEA5-46D6-408B-9934-4D8BE4B74449--8035CC3C-673E-49B4-8293-E43078236473/psychosocial-manipulation-in-the-common-core-standards-and-aligned-tests-and-curriculum.pdf>

Issues of Disagreement – FSCCC opposes the following:

- 1) FSCCC disagrees with the continued use of the Common Core standards rebranded as the Florida Standards and the use of FSA test by AIR** – The standards are academically inferior, developmentally inappropriate, and psychologically manipulative.⁶ The FSA has major validity issues despite the study.⁷ The Common Core and PARCC were unconstitutionally incentivized by the federal government via Race to the Top and the mandates and requirements of ESSA makes it highly unlikely that states will withdraw, despite most states receiving a very small proportion of their education budgets from the federal government. We believe that the state and local districts would have more funds and more flexibility to improve student learning if the state withdrew from many or most federal education programs.
- 2) Title IV, Part A: Student Support and Academic Enrichment Grants** – FSCCC disagrees with the use of these grants discussed on p. 45 based on constitutional, parental autonomy, data and psychological privacy grounds. The types of grants and programs, especially for the “At least 20 percent of funds for activities to support safe and healthy students,” contain such a broad range of factors that may result in subjective and or invasive programs as described in Section 4108 of ESSA, causing loss of focus on academic achievement, parental autonomy, data privacy, or freedom of conscience⁸:

- “Early identification of mental health symptoms, drug use, and violence, and appropriate referrals”

Comment – This is especially problematic because it has teachers acting out of their professional realm by performing screening and diagnosis,⁹ often without meaningful consent¹⁰ (even though there is a parental consent for formal mental health programs in Section 4001 of ESSA, this provision contains broad exceptions) and because multiple professional organizations admit that correct diagnosis of children and adolescents is problematic even for trained professionals.¹¹

⁶ See *Florida’s Common Core Standards: A Policy Analysis* at <http://www.flstopccoalition.org/files/EAE4EA1E-7BEA-4B4D-8542-C6E46F841BB2--D8FA73FF-C0D2-49E3-B697-8AFB974E3C51/florida-s-common-core-standards-policy-analysis-4.pdf>

⁷ <http://www.flstopccoalition.org/blog/alice-wonderland-validity-study-fsa-valid-except-not>

⁸ <http://thefederalist.com/2016/10/19/schools-ditch-academics-for-emotional-manipulation/>

⁹ <http://truthinamericaneducation.com/common-core-state-standards/a-mental-health-professionals-perspective-on-the-common-core/>

¹⁰ <http://edlibertywatch.org/wp-content/uploads/2014/11/Rutherford-Report-Final-Redacted.pdf>

¹¹ “Childhood and adolescence being developmental phases, it is difficult to draw clear boundaries between phenomena that are part of normal development and others that are abnormal.” World Health Organization (2001) World Health Report – See other similar quotes at <http://edlibertywatch.org/wp-content/uploads/2014/11/SEL-Child-Mental-Health-Quotes-and-References3.pdf>

- “Implementation of schoolwide positive behavioral interventions and supports [PBIS], including through coordination with similar activities carried out under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), in order to improve academic outcomes and school conditions for student learning;”

Comment – PBIS is being used to cast a very wide net to label children with disabilities who do not necessarily have them, all without proper consent procedures, because this neither a formal mental health program and it is before the point under IDEA where parental consent for evaluations is required; no explanation to parents of the program elements or what data is kept in the longitudinal data file for their child; and no evidence of effectiveness.¹²

- “...mental health awareness training programs that are evidence-based (to the extent the State determines that such evidence is reasonably available)...”

Comment - See the comment under “early identification” and accompanying footnote.

- “School-based counseling and mental health programs

Comment - Because these are school-based programs covered under a severely weakened FERPA under the Obama administration, and not medical programs covered under HIPAA, (even as poor as the privacy protection provided under HIPAA may be – it is far superior to the non-existent mental health data protection under FERPA), there is no way to protect the sensitive data created under these programs.

- Professional development to train teachers in a long list of extremely complex issues in addition to mental health outside of their professional realm and in addition to all of their academic teaching responsibilities related to the new academically inferior, developmentally inappropriate and psychologically manipulative state standards, which are in most cases existing or rebranded Common Core standards and aligned tests. These elements include:
 - “Suicide prevention”
 - “Bullying and harassment”
 - “Trauma-informed classroom management”

¹² “Although the SWPBS approach is conceptually sound and comprised of supportable behavioral practices, further systems-level demonstrations and validations of efficacy, effectiveness, and expansion are recommended.” In

<https://www.mydigitalchalkboard.org/cognoti/content/file/resources/documents/08/08d88012/08d88012b8f0a8bc8d93783ba791425c9208d5c8/spr352sugai.pdf>

- “Crisis prevention and conflict resolution”
- “Human trafficking” issues
- “Child sexual abuse awareness and prevention”

The bullying and harassment issue is continuing to endanger protected freedoms of speech, religion and conscience with news of parents, students and or teachers being threatened with federal civil rights violations via the U.S. Department of Education’s Office of Civil Rights for not using a transgender student’s preferred pronoun or name even in the absence of legal name changes.¹³ This is also despite the reversal of the Title IX Guidance in recent months.¹⁴

- “Disseminating best practices and evaluating program outcomes relating to any local educational agency activities to promote student safety and violence prevention through effective communication as described in section 4108(5)(C)(iv)

Comment – This is very broad and vague, will require much data collection, and has the potential to put significant amounts of subjective, inaccurate and or sensitive data in a student’s “cradle to career” dossier via the state longitudinal data system both due to the regulatory gutting of FERPA and the lack of protection of “early identification” of mental health issues and other data under FERPA compared to HIPAA.

- 3) **21st Century Community Learning Centers** discussed starting on page 46, because of a large federal study¹⁵ showing that the program is ineffective and harmful:

“This study finds that elementary students who were randomly assigned to attend the 21st Century Community Learning Centers after-school program were more likely to feel safe after school, no more likely to have higher academic achievement, no less likely to be in self-care, **more likely to engage in some negative behaviors**, and experience mixed effects on developmental outcomes relative to students who were not randomly assigned to attend the centers.” (Emphasis added)

¹³ [http://cplaction.us3.list-](http://cplaction.us3.list-manage.com/track/click?u=ee2bb8f7c889f98654f194596&id=0acea8ca54&e=5d1a8fa701)

[manage.com/track/click?u=ee2bb8f7c889f98654f194596&id=0acea8ca54&e=5d1a8fa701](http://cplaction.us3.list-manage.com/track/click?u=ee2bb8f7c889f98654f194596&id=0acea8ca54&e=5d1a8fa701)

¹⁴ <https://assets.documentcloud.org/documents/3866816/OCR-Instructions-to-the-Field-Re-Transgender.pdf>

¹⁵ <https://www2.ed.gov/rschstat/eval/other/cclcfinalreport/index.html>