

MATT SALMON
5TH DISTRICT, ARIZONA

2349 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-2635
(202) 226-4386 (FAX)

207 NORTH GILBERT ROAD
SUITE 209
GILBERT, AZ 85234
(480) 699-8239
(480) 699-4730 (FAX)

Congress of the United States
House of Representatives
Washington, DC 20515-0305

www.house.gov/salmon

COMMITTEE ON
FOREIGN AFFAIRS

CHAIRMAN
SUBCOMMITTEE ON
ASIA AND THE PACIFIC

COMMITTEE ON
EDUCATION AND THE WORKFORCE

March 8, 2016

The Honorable Lamar Alexander
Chairman
Committee on Health, Education,
Labor and Pensions
United States Senate
Washington, DC 20510

The Honorable Patty Murray
Ranking Member
Committee on Health, Education,
Labor and Pensions
United States Senate
Washington, DC 20510

Dear Chairman Alexander and Ranking Member Murray:

The Senate Health, Education, Labor and Pensions Committee recently held a confirmation hearing to consider President Obama's nomination for Secretary of Education, Dr. John B. King. I understand that the committee is likely to vote on Dr. King's nomination this month.

While I appreciate Dr. King's many accomplishments and compelling personal history, I wish to draw your attention to some concerns I have regarding Dr. King's tenure as education commissioner of the State of New York.

As recently reported in the *Washington Post*, Dr. King was instrumental in pushing reforms in New York connected with the development and implementation of Common Core. From the curriculum, to the tests included, the rollout of Common Core in New York was tempestuous. In 2014, Dr. King was eventually called on to resign from his post as commissioner, and ultimately did so in order to take a post with the U.S. Department of Education.

His time as education commissioner gives us some serious reservations about his inclination to take a balanced and fair approach to regulating, his willingness to adhere to high standards of transparency, and his desire to respect the wishes and rights of parents in the education of their children.


While he has been cooperative as Acting Secretary, his past conduct as an education leader in New York raises red flags about how he will perform as Secretary of Education. The Secretary of Education plays an integral role in implementing the letter and intent of the law. Already, the Department of Education, under the direction of former Secretary Duncan and Acting Secretary King, has taken liberties in interpreting the law through "guidance", and treating said guidance as if it were legally-binding.

While I do not question Dr. King's motives to improve the United States education model in accordance with his ideals, I am concerned that those ideals will continue to be those of increased federal intrusion

and decreased autonomy at the local level. I hope that his divisive past won't be a foreshadowing of what is to come should he indeed be confirmed by the Committee.

I respectfully urge the Committee to take this information into account in considering the confirmation of Dr. King as Secretary of Education.

Sincerely,



Matt Salmon
Member of Congress

CC:

Senator Michael Enzi
Senator Richard Burr
Senator Johnny Isakson
Senator Rand Paul
Senator Susan Collins
Senator Lisa Murkowski
Senator Mark Kirk
Senator Tim Scott
Senator Orrin Hatch
Senator Pat Roberts
Senator Bill Cassidy

Washington Post: Three key things to know about Obama's new education chief

By [Valerie Strauss](#) February 22, 2016

President Obama, deciding that Acting Education Secretary John King should drop the “acting” from his title, has nominated him to officially lead the department for the last year of the Obama administration. King took control of the Education Department early this year following the departure of longtime secretary Arne Duncan, and he is now set to testify at Senate confirmation hearings starting Thursday. Sen. Lamar Alexander, the Republican from Tennessee who heads the Senate education committee, said [King's nomination will be considered quickly](#), and confirmation is expected.

That said, King remains something [of a lightning rod](#) in parts of the education community. Before joining the U.S. Education Department as Duncan's No. 2 in early 2015, King spent 3½ controversial years as New York State's education commissioner. His push to implement school reforms — including the Common Core State Standards — sparked a revolt from educators, parents and students, 20 percent of whom refused to take the state-mandated “accountability” test last spring. Even Gov. Andrew Cuomo, a reform proponent, criticized King's tenure.

King's leadership in New York was the subject of numerous posts on this blog over the past several years by Carol Burris, a former New York high school principal who is now executive director of the nonprofit Network for Public Education Fund. She was named the 2010 Educator of the Year by the School Administrators Association of New York State, and in 2013, the same organization named her the New York State High School Principal of the Year. In this new piece, Burris explains three key things that Americans should know about the man who is expected to be the next U.S. education secretary.

By Carol Burris

John King, whose nomination hearings as secretary of education begin in the U.S. Senate on Thursday, is an unknown quantity to most Americans. The profiles being published focus on his

personal biography, which is compelling. Yet his leadership during the 3½ years he served as New York's education commissioner is far more relevant to how he will lead the U.S. Department of Education. That story should not be ignored.

John King was a teacher for a total of three years — first in a private school and then in a charter school. For a brief time, he served as a co-director of Roxbury Prep, a Boston charter middle school that had about 200 students when King was there. He left to become managing director of the Uncommon Schools charter chain, which is regularly criticized for its high rates of [student suspension](#).

While a doctoral student at Teachers College, King met classmate and Board of Regents member, Merryl Tisch. In April 2009, Tisch became the chancellor of the New York State Board of Regents. In September 2009, John King was appointed deputy commissioner. Two years later he was appointed commissioner, following the abrupt resignation of David Steiner. There was never a search — just a hasty succession.

King was appointed senior adviser to then Education Secretary Arne Duncan in 2014, and acting secretary of education when Duncan left in December 2015. President Obama now wants to permanently appoint him. Will King be able to lead the country in a new direction?

Here is what this former high school principal learned about John King during the time he led the public schools of New York.

1. John King's style is inflexible and he is quick to criticize the motives of those with whom he disagrees.

Problems began early in his tenure. During an [October 2011 conference](#) of the Long Island chapter of the Association of Curriculum and Development[1], King argued that those who opposed the Race to the Top reforms were creators of "false dichotomies." Cognizant of the opposition of principals to his teacher evaluation system, he told the audience of administrators

that they could either “lament it or use it” and characterized opposition to evaluation of teachers by test scores as “political.”

Conflicts between King and those with whom he disagreed escalated. By October 2013, opposition to the Common Core State Standards and testing had grown so strong that King was encouraged by the state PTA to hold forums, the first of which took place in Poughkeepsie, New York. King lectured for an hour and a half. By the last half hour of the evening, the audience was both boisterous and impassioned, angered because there was limited opportunity to speak. King then cancelled the rest of the scheduled forums. In response to an inquiry about the cancellations by Long Island’s *Newsday*, [King responded](#):

“I was looking forward to engaging in a dialogue with parents across the state. I was eagerly anticipating answering questions from parents about the Common Core and other reforms we’re moving ahead with in New York State. Unfortunately, the forums sponsored by the New York State PTA have been co-opted by special interests whose stated goal is to ‘dominate’ the questions and manipulate the forum.”

The “special interests” who attended that forum were parents and teachers. After continued pressure, some forums were re-scheduled; however there were restrictions placed on who could attend, and the format was tightly controlled. Even so, King heard the same concerns and complaints at every forum from Buffalo to Long Island’s east end.

When no substantial change resulted, parents united behind the Opt Out movement. Nearly 65,000 New York students opted out of the Common Core state tests in 2014. That [number would climb](#) to over 200,000 during the spring of 2015, shortly after King left.

When King left New York to become a senior adviser to Duncan, few in New York were surprised. He was a lightning rod. There were rumors for months that King was selectively applying to positions, as well as rumors that he was being pressured by N.Y. Gov. Andrew Cuomo to leave his job.

Upon his departure, the editorial board of the *Lower Hudson Journal News* characterized his administration as “tone deaf” and [had this](#) to say about his style:

“To John King, anyone who questions or criticizes the state’s top-down education “reform” agenda is an outsider who is not committed to seeing kids learn. Parents and educators who find flaws in sweeping curriculum and teacher evaluation changes are portrayed as lazy, excuse-making haters.”

2. King’s strong, unquestioned support for the Common Core and other Race to the Top reforms turned implementation in New York into a costly experiment riddled with problems.

King is an unapologetic proponent of the Common Core, student data collection, and Common Core testing. In early 2011, he made a [series of 14 videos](#) with Common Core author, David Coleman. His efforts then focused on the creation of a K-12 curriculum. New York was the only state that used its federal Race to the Top dollars to develop Common Core curriculum—spending in excess of \$28 million. [According to reporter](#) Jessica Bakeman, then of the *Capital New York* news agency, Common Core Inc. was awarded three large contracts from the New York State Education Department to develop math curriculum: \$3,323,732 for K-2 curriculum, \$2,715,958 for 3-5, and \$8,108,919 for Grades 6-12. That is a total of \$14,148,609 or more than \$1 million per grade level project. Equivalent sums were spent on the development of a curriculum in English Language Arts with other vendors.

New York State’s efforts to build a Common Core curriculum with federal tax dollars were praised by the Fordham Foundation, which receives funding from the Bill and Melinda Gates Foundation to promote the Common Core. Fordham [described](#) the effort as creating “a nearly complete set of curricular materials for math and ELA.” Fordham dubbed the curriculum the “[Common Core’s breakout hit](#),” promoting it as free curriculum that could be used across the country.

Within New York, however, the curriculum was a “breakout flop.” Teaching strategies, often presented as scripts, were confusing. The time allotted for each lesson was longer than the instructional time allotted by most districts, resulting in rushed pacing. There were confusing worksheets that parents and teachers could not understand.

The English Language Arts curriculum had a hyper focus on “close reading,” and adhered to Common Core quotas for informational text. For example, [the fifth-grade curriculum](#) devotes 11 days to students reading the complex *United Nations Declaration of Human Rights*.

Romeo and Juliet, which has been a classic part of ninth-grade English curriculum in most high schools, was reduced to excerpted readings in the modules, crowded out by non-fiction, which included *Wizard of Lies: the Life of Bernie Madoff*.

Districts with limited resources and low test scores demanded that teachers adhere to the modules. Teacher concern and frustration rose. In suburban schools, parents were up in arms. King’s Education Department continued to promote the curriculum, and push staff development as the solution to the angst.

Parent complaints were not limited to Common Core curriculum. Another component of the Race to the Top package was participation in the creation of a student database called inBloom, a [\\$100 million dollar investment](#) of the Bill and Melinda Gates Foundation and the Carnegie Corporation. King stonewalled for years, refusing to tell parents, school board members and superintendents what student data would be shared with inBloom, which planned to amass an extraordinary amount of confidential student data, with the intent of sharing it with private software developers to create educational products.

Network for Public Education Board member, Leonie Haimson, led the fight against inBloom in New York State and beyond. According to Haimson, “New York was the only state out of the nine that the Gates Foundation said were participating in the project not to pull out because of parent protests alone. It needed to pass a state law to do it. The vast majority of New York

parents, legislators of both parties, the Governor, Assembly Speaker Shelley Silver, the majority of school board members and Superintendents, along with the state teachers union, came out against his plans to share highly sensitive personal student data with inBloom and through inBloom with an array of for-profit vendors—but it made absolutely no difference to King who stood fast and refused to pull out.”

King continued [to support inBloom](#) until the legislature stepped in and [pulled the plug](#) during the spring of 2014. Shortly thereafter, inBloom itself shut down.

And then there were the tests. Although most states rolled out Common Core curriculum before testing, John King said time and again that New York could not wait. In 2012, he defended the premature rollout of the tests, even as teachers complained that they had yet to receive the materials needed to teach the new curriculum. As [reported](#) by Chalkbeat New York, “King suggested today that focusing on the challenges that teachers are facing is misguided. For students, he said, the tests are coming not too early but too late.”

The 2013 Common Core tests were a disaster. The setting of unreasonably [high proficiency cut scores](#), the length of the tests, and confusing and overly difficult questions caused both scores and parent confidence to plummet. Principals reported young children in tears, becoming physically ill. The 2014 tests were a rerun of the previous year, and the achievement gap and the Opt Out movement grew. In 2014, the New York State United Teachers [called for John King’s resignation](#).

3. King did not address error, but stayed the course regardless of consequences.

By the summer of 2013, it was apparent that [there was something very wrong](#) with the state’s controversial teacher evaluation system known as APPR. APPR rated teachers in three independently scored categories — two based on student test scores and one based on professional performance as measured by a matrix.

Strange anomalies began to appear. Teachers and principals could have ratings that included an “effective” score and two “developing” scores, and yet still be rated “ineffective” overall using the score bands recommended by the New York State Education Department. In addition, a teacher could be rated developing in all three categories, and still be rated “ineffective” overall — with some “developing” score combinations making “ineffective” a mathematical certainty that could not be fixed by adjusting the scoring bands.

John King was alerted to the problem through [news reports](#) and the [School Administrators Association of New York State](#). Although he quietly [fixed the problem for New York City teachers](#), he did not publicly acknowledge its existence and would never address it for the rest of the teachers in New York State.

Problems with the Common Core tests were also ignored. In addition to problems with the tests themselves, the performance levels for proficiency were set unreasonably high. Rather than anchor cut scores to the College Board’s college readiness composite score of 1550, King asked the College Board to “replicate research” to determine [what PSAT and SAT scores predict first-year success in four-year colleges](#).

The [study](#) concluded that in order to have a 75 percent probability of obtaining a B- or better in an introductory college math course, a student needed an SAT math score of 710 — a score that only [6 percent of test takers](#) in the nation achieve. Rather than acknowledging that there was something amiss with the studied sample, or its assumptions, the threshold of B- was abandoned for math (although retained for reading and writing) and a probability of a 60 percent chance of getting a C+ was used instead.

In the end, an SAT composite score of 1630 became the anchor to set the Grades 3-8 cut scores — a score far above the score that the College Board had previously identified as predicting college readiness. A [recent white paper](#) by the New York State United Teachers critiqued the benchmark 2013 setting process for the Common Core tests, characterizing the process as “manipulation.”

“This manipulation of the process resulted in the benchmarks for the newly designed Common Core assessments, purported to be aligned with college and career readiness, to be set in an artificial, arbitrary way that does not reflect actual performance on the standards of these assessments.”

Such an unrealistic proficiency bar had negative consequences for New York students. It encouraged teachers to adjust instruction to a level far beyond what most young children could achieve. Students, who did not need it, were put into remediation. Special needs students fell behind. Test prep was accelerated. John King never wavered in his support of the unrealistic cut scores or the tests.

Perhaps the most reckless error made by the New York State Education Department under King, however, was setting the graduation standard on the Common Core math and English tests so high that the graduation rate, based on historical data, would have [plummeted to about 35 percent](#) when it was imposed. In response to growing public resistance to the Common Core and its tests, the Board of Regents put off the the unrealistic graduation standard from 2017 until 2022.

There was one person who expressed dismay at the delay — John King. [In a phone interview with Education Week reporter, Andrew Ujifusa](#), King [expressed disappointment](#) that the graduation test scores at King’s “college ready level” would not go into effect in 2017. In subsequent years, there has been little growth in scores, and there is no doubt that the Board of Regents will need to back off the requirement for the Class of 2022.

During his first year as commissioner, King and his staff assembled school leaders from across the state to train them [\[2\]](#) in the new teacher evaluation system and Race to the Top reforms. Participants were shown a video of a [plane being built in the air](#). That video later became a symbol of New York’s bungling of school reform.

The new Every Student Succeeds Act — the federal education law that succeeds No Child Left Behind — is supposed to move educational policy in a new direction. Its implementation requires open communication, flexibility and a willingness to let states do the work of school improvement with minimal federal interference. John King's history as New York's education commissioner calls into question his ability to get that job done. As New Yorkers learned, leadership matters a lot.

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[1] Burriss attended the conference, taking careful notes. The PowerPoint from the conference (False Dichotomies) is still online.

[2] BOCES APPR trainer, Fred Cohen, confirmed that the video was shown by the State Education Department when he was trained in Albany, and that Commissioner King was in the room. The video was on the NYSED website until public outcry.

<https://www.washingtonpost.com/news/answer-sheet/wp/2016/02/22/three-key-things-to-know-about-obamas-new-education-chief/>