

Warren County Board of Supervisors

RESOLUTION NO. 395 OF 2015

Resolution introduced by Supervisors Monroe, Girard, Sokol, Wood, Frasier, Westcott and Strough

SUPPORTING CONSIDERATION OF THE ADOPTION OF A NEW YORK STATE LAW THAT WOULD AMEND THE EDUCATION LAW, IN RELATION TO THE COMMON CORE STATE STANDARDS INITIATIVE, THE RACE TO THE TOP PROGRAM AND THE PARTNERSHIP FOR ASSESSMENT OF READINESS FOR COLLEGE AND CAREERS CONSORTIUM

WHEREAS, Article VI, Paragraph 2 of the U.S. Constitution reads, “This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding”; and

WHEREAS, Article VI, Paragraph 2, commonly referred to as the Supremacy Clause, establishes that the federal Constitution, and federal law take precedence over state laws, and even state constitutions; and

WHEREAS, the Tenth Amendment of the U.S. Constitution reads, “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”; and

WHEREAS, the Tenth Amendment expresses the principle of federalism, which undergirds the entire plan of the Constitution, by stating that the federal government possesses only those powers delegated to it by the States or the People; and

WHEREAS, Article I, Section 8 of the U.S. Constitution enumerates the powers of Congress - that is, the authoritative capacity of Congress; and

WHEREAS, Article I, Section 8 does not mention education, meaning matters regarding education, such as the Common Core educational system, are the purview of the States or the People, not the federal government; and

WHEREAS, Article I, Section 10, Clause 3 of the U.S. Constitution reads, “No State shall, without the Consent of Congress... enter into any Agreement or Compact with another State...”; and

WHEREAS, Article I, Section 10, Clause 3, which is known as the Compact Clause, prohibited New York State from entering into the Common Core related Smarter Balanced Assessment Consortia (SBAC) and the Partnership for Assessment of Readiness for College and Careers Consortia (PARCC), which are interstate compacts to which Congress has never consented and are thus unconstitutional; and

WHEREAS, Article IV, Section 4 of the U.S. Constitution reads, “The United States shall guarantee to every State in this Union a Republican Form of Government...”; and

RESOLUTION NO. 395 OF 2015

PAGE 2 OF 3

WHEREAS, Article IV, Section 4, which is known as the Guarantee Clause, guarantees the people of New York State will forever enjoy republicanism, including popular rule, no monarch and the rule of law; and

WHEREAS, the Rule of Law, from our State and Federal Constitutions on down, is to be defended at all costs by all those entrusted with the reins of political power, according to their oaths of office, no matter the level of practical difficulties, the Rule of Law must stand against the folly of political expediency and the Rule of Man and his whims; and

WHEREAS, the Fourth Amendment of the U.S. Constitution reads, “The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.”; and

WHEREAS, the Fourth Amendment protects citizens from unreasonable harassment by the government, the government has no right to search through their personal property without first receiving a warrant (a court order approving the search or seizure upon probable cause of wrongdoing); and

WHEREAS, the Race to the Top (RTTT), Common Core State Standards (CCSS), Smarter Balanced Assessment Consortia (SBAC), and Partnership for Assessment of Readiness for College and Careers Consortia (PARCC) developed assessments include and facilitate the collection of confidential personal and non-educational student, family, and teacher data; and

WHEREAS, in 2009 and 2010, New York State was offered the chance to compete for education funding through the unconstitutional “Race to the Top” program created by the U.S. Department of Education; and

WHEREAS, the only way to achieve a score in the “Race to the Top” competition sufficient to qualify for funding was to agree to “participation in a consortium of States that is working toward jointly developing and adopting a common set of K-12 standards; and

WHEREAS, the only such “common set of K-12 standards” existent at that time, or since is known as the Common Core State Standards Initiative (“CCSSI”); and

WHEREAS, New York State submitted its Race to the Top Application for Phase 1 in January 2010 and for Phase 2 in May 2010 (the CCSSI were not released until June of 2010 meaning New York State committed to the CCSSI before they were written); and

WHEREAS, local education officials, school leaders, teachers, and parents were not invited or encouraged to participate in the discussion, evaluation and preparation of the CCSSI standards that would affect students in New York State; and

WHEREAS, the Common Core education system has been the subject of criticism by educators and parents and a number of elected officials; and

WHEREAS, the National Assessment of Educational Progress national test allows comparisons of

RESOLUTION No. 395 OF 2015

PAGE 3 OF 3

academic achievement to be made across the states, without the necessity of imposing national standards, curricula, or assessments; and

WHEREAS, the imposition of a set of national standards could lead to the imposition of a national curriculum and national assessment upon the various states; now, therefore, be it

RESOLVED, that the Warren County Board of Supervisors urges New York State Legislature and the Governor to consider the adoption of a state law that would discontinue the Common Core State Standards and end New York State's involvement with the Race to the Top Program and the Partnership for Assessment of Readiness for College and Careers Consortium; and be it further

RESOLVED, that the Warren County Board of Supervisors urges the New York State Legislature to call for and fund an independent state-based approach and PLAN to improve the education system in New York; and be it further

RESOLVED, that the Clerk of the Board of Supervisors be, and hereby is, authorized and directed to forward copies of this resolution to Governor Andrew M. Cuomo; Senator Elizabeth O'C. Little; Assemblyman Daniel G. Stec; the New York State Assembly and Senate Majority and Minority Leaders; and the New York State Commissioner of Education.