



The Elementary and Secondary Education Act: Why Congress Should Reauthorize Section 9527 to Prohibit Nationalized Curriculum

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As Congress prepares to reauthorize ESEA, we respectfully urge Congress to retain Section 9527 in ESEA to prohibit federal funds from being used to establish a national curriculum.

Section 9527 was inserted into the No Child Left Behind Act in 2001. We believe that Section 9527 has helped to ensure that home schools, religious and private schools, and public schools, are free to choose the curriculum that is best for their own students. At the same time, this section has not kept the federal government from enacting education programs that are designed to help state and local education associations, public schools, and public school students. For these reasons, we urge that Section 9527 be retained unchanged.

- **Section 9527 [20 U.S.C. 7907]: No federal funds to create national curriculum**

““SEC. 9527. PROHIBITIONS ON FEDERAL GOVERNMENT AND USE OF FEDERAL FUNDS.

“(a) GENERAL PROHIBITION.—Nothing in this Act shall be construed to authorize an officer or employee of the Federal Government to mandate, direct, or control a State, local educational agency, or school’s curriculum, program of instruction, or allocation of State or local resources, or mandate a State or any subdivision thereof to spend any funds or incur any costs not paid for under this Act.

“(b) PROHIBITION ON ENDORSEMENT OF CURRICULUM.—Notwithstanding any other prohibition of Federal law, no funds provided to the Department under this Act may be used by the Department to endorse, approve, or sanction any curriculum designed to be used in an elementary school or secondary school.

“(c) PROHIBITION ON REQUIRING FEDERAL APPROVAL OR CERTIFICATION OF STANDARDS.—

“(1) IN GENERAL.—Notwithstanding any other provision of Federal law, no State shall be required to have academic content or student academic achievement standards approved or certified by the Federal Government, in order to receive assistance under this Act.

“(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to affect requirements under title I or part A of title VI.

“(d) RULE OF CONSTRUCTION ON BUILDING STANDARDS.—
Nothing in this Act shall be construed to mandate national school
building standards for a State, local educational agency, or school.”

Why nationalized curriculum should be opposed

A nationalized curriculum would be created by unelected policy makers far removed from the values and oversight of the parents, teachers, and students who would be forced to follow these curricula decisions. Gone would be the days when local elected school boards, with close input from interested parents, would determine what textbooks and curriculum was best for the schools. A nationalized curriculum would be the last nail in the coffin of local control over education.

A nationalized curriculum could be easily influenced by politically correct norms. It would be susceptible to politicization of the curriculum as well as being used to engage in social engineering. This could especially result in harm to graduates of home schools, religious schools, and private schools, if their college of choice refused to accept the curriculum used in the home school, religious school, or private school.

A nationalized curriculum would not take into account the rich diversity and the needs of each state. For example, Virginia public schools emphasize Virginia history and California public schools emphasize California history. To force the states to each teach the same curriculum would hurt the rich historical diversity of each state and result in students not being able to appreciate their state’s own rich cultural history. Additionally, some school districts may need to focus on integrating a particular minority group. For example, school districts in southern California may tailor their curriculum toward students of Mexican heritage. Minnesota schools may tailor their curriculum toward students of Hmong heritage. The rich cultural and ethnic diversity among the states illustrates why curriculum decisions should be left to local control.

Finally, a nationalized curriculum would not take into account the autonomy of private, religious, and home schools that allows them to use a curriculum consistent with their mission and purpose. This would have a debilitating affect on the ability of these schools to continue providing a quality education that is in accordance with the theological, spiritual, or pedagogical nature that makes them distinctive. Specifically, the religious freedom of faith-based schools would also be jeopardized should they be forced to comply with a nationalized curriculum.

While individual states may decide to align their curriculum or their standards, the federal government should not make federal education funds dependent on the states adopting certain educational standards or curriculum.