NYC Common Core-Aligned Test Results Spark Score-Inflation Debate

By Kenneth Artz

Results from New York City’s (NYC) 2016 Common Core-aligned exams show significant gains in student proficiency, sparking a debate over whether the test scores are inflated.

During the 2012–13 school year, New York public school students in grades 3–8 began taking assessments aligned with the Common Core State Standards (CCSS), a set of national standards dictating what students should know at the end of each grade level. In 2016, 21 percent of students eligible to take the state’s standardized test opted out, an increase of 1 percentage point compared to 2015.

Homeschool Co-Op Growth Highlights Rising Movement

By Jenni White

Enrollment in the Luther Academic Barn (LAB), a homeschool cooperative located in central Oklahoma, has jumped by more than 50 percent in its first year of operation, reflecting a nationwide trend.

A homeschool cooperative, or “co-op,” is “a group of homeschoolers coming together in cooperation to provide educational and social activities for their children,” Homeschool-Life.com reports.

Cassandra Olsen, a mother of four homeschooled children, and her husband renovated a metal barn on their 40-acre property in 2015 to host the LAB co-op. The barn now has seven classrooms, including rooms for music and art. During its first year of opera-
At our Winter Emerging Issues Forum we will look to the future and explore emerging issues in state public policy in the areas of energy, the economy, education, health care, and more.

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California School District Wrongly Tells Parents Homeschooling Is Illegal

By Elizabeth BeShears

School authorities in California sent a letter to homeschool parents telling them homeschooling is illegal, which is not true.

The Homeschool Legal Defense Association (HSLDA) reports all of its members in the San Benito High School District (SBHSD) received a letter in July from SBHSD officials that read in part, “[U]nder California Law, a home school is not a private school, nor is it a lawful alternative to public school.”

California law requires parents withdrawing their child from public school in favor of homeschooling receive a private school exemption. Parents can establish their home-schools as private schools by filing an affidavit with the Superintendent of Public Instruction of California.

HSLDA President Michael Smith reports on the organization’s website, “The private school exemption has been used by California homeschoolers since the revival of the movement in the late ’70s.”

The California Court of Appeals for the Second Appellate District reaffirmed the legality of homeschooling in the state in 2008 in Jonathan L., et al. v. The Superior Court of Los Angeles County, ruling, “California statutes permit home schooling as a species of private school education.”

HSLDA responded to SBHSD in a letter “explaining that homeschooling is indeed a legal exemption to public school attendance pursuant to the private-school exemption,” Smith wrote.

As of press time, SBHSD had not pursued further action against the homeschoolers.

Common Occurrence

Debbie Schwarzer, a member of the Home School Association of California legal team, says California government agencies often challenge homeschool parents and always end up backing down.

“We get a dozen stories every year from families whose decision to home-school has been challenged by this district or that one or, even worse, where a family has been referred to the [district] attorney for truancy prosecution, and we send a letter informing the district that, in fact, the matter was settled in 2008 by an appellate opinion,” Schwarzer said.

“We often have to remind the district officials that they don’t have the powers that they think, such as approving schools, reviewing curriculum, etc. And every single time, they back down, either by stopping their hassling of a family that is withdrawing a child or ending the investigation or prosecution.”

“We often have to remind the district officials that they don’t have the powers that they think, such as approving schools, reviewing curriculum, etc.”

Fearing Loss of Control, Money

Smith says some of the continual backlash against homeschoolers stems from the public school system’s desire to maintain control and funding.

“The homeschool and private school movement of the 1970s was really the first backlash against the concept of public education, so the public educators had come to believe that the children were basically theirs,” Smith said. “Now they’re losing the kids, which means they lose two things: They lose money because they get average daily attendance money, and they lose control.

“There is a big distrust of parents among some people within the public school establishment, so their position is that they believe they need to regulate all education because these children’s education is really up to them,” Smith said. “The mockery of that whole thing is that they really need to focus on who they are responsible for—and that’s the kids that are in the public schools—because quite frankly, there are a lot more problems in those schools in terms of education than you would find in a homeschool or private school program.”

Schwarzer says control and money are likely at the root of the districts’ continued interference with homeschool families.

“My personal view is that districts object mostly to the withdrawal of children, and that could be motivated by several factors,” Schwarzer said. “If the child were receiving special services, the school may regret the loss of funding. They may also believe that no one other than themselves is qualified to provide those services and doubt that the parents have either the qualifications or the legal right. But they do have the legal right and may meet their child’s needs as they determine.”

Elizabeth BeShears (liz.rob@gmail.com) writes from Trussville, Alabama.
NYC Common Core-Aligned Test Results Spark Score-Inflation Debate

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NYC Mayor Bill de Blasio and NYC Schools Chancellor Carmen Farina announced in July the city’s 3–8 grade students had made substantial gains on the state’s standardized tests. The results show an overall increase of 1.2 percentage points in math proficiency since 2015 and an increase of 6.8 percentage points since 2013. In English, proficiency is up by 7.6 percentage points since 2015 and 11.6 percentage points since 2013.

“These results represent important progress and outline real improvements across each borough of our city,” de Blasio said in a statement following the release of the test results.

The New York Post, dubbing the situation “Inflate-gate,” reported in August, “The state has lowered the number of correct answers that students need to pass [on] 11 out of 12 Common Core exams this year, casting doubt on an across-the-board increase in NYC pass rates.”

The New York Daily News reported in July, “State education department officials shortened the exams for 2016 and eliminated time limits.”

New York State Education Commissioner MaryEllen Elia said as she announced the test results, “Because of changes made to the 2016 exam and the testing environment, the 2016 test scores are not an apples-to-apples comparison with previous years and should not be viewed as such.”

Inflation Accusations Elsewhere

Richard Innes, an education analyst at The Bluegrass Institute for Public Policy Solutions, says there is evidence Kentucky’s Common Core-aligned Kentucky Performance Rating for Educational Progress (KPREP) tests also have been inflated over time.

“Kentucky’s KPREP tests, even at the beginning, showed some type of inflation,” Innes said. “Across the board, test scores from Kentucky have moved away from national test scores. Obviously, KPREP scores are inflated.”

Innes says teachers and school districts have reason to inflate assessment results.

“If people are going to be held accountable for the results, they are going to inflate the grades,” Innes said. “KPREP is their report card too. The pressures to inflate are very strong.”

Innes says one way teachers skew the results is by excluding the scores of mentally disabled children, and they “get away with it because most people don’t know enough to ask the right questions.”

David C. Bloomfield—a professor of education leadership, law, and policy at Brooklyn College and the City University of New York Graduate Center—says score inflation may be a “widespread” problem.

“It’s probably widespread, because when the test is repeated, the teachers get used to it and the scores go up,” Bloomfield said. “Many schools engage in teaching to the test, which I call ‘legalized cheating.’ It’s like having two equally smart people working crossword puzzles every day but one knows the patterns and can solve more of the puzzle, and that’s what’s going on with these tests.”

‘High Stakes Are the Problem’

Bloomfield says education leaders create problems by attaching too much importance to standardized tests.

“The tests are high-stakes with a huge emphasis on the results,” Bloomfield said. “In the 1950s, when I was taking standardized tests, it was a necessary evil. Today, the high stakes are the problem. It used to be you wouldn’t hear squat about tests and scores, and they’d leave them to the schools. Now, [from] the president on down [to local schools] have an opinion on testing and Common Core.”

Bloomfield says the politicization of student testing hurts kids.

“Politicians politicize [education] to their advantage, and that includes suggesting a crisis in education that can only be fixed with more money, but one never exists,” Bloomfield said. “If the scores are being inflated, children and parents are being shortchanged and others ignored. The joys of childhood are being diminished by the toil and stress of test preparation.”

Kenneth Artz (kartz@heartland.org) writes from Dallas, Texas.
A Denver, Colorado District Court judge has ordered the Douglas County School District (DCSD) to suspend its school voucher program.

The Douglas County Board of Education launched the Douglas County Choice Scholarship program in March 2011 to provide vouchers worth an average of $1,143 to students enrolled in a DCSD public school for at least one year to spend on private school tuition. Ninety-five percent of the students in the district are eligible for the program.

Lengthy Court Battle
The American Civil Liberties Union (ACLU) and others sued the Douglas County board, school district, Colorado Department of Education, and Colorado State Board of Education over the voucher program in June 2011, alleging it violates the state constitution’s Blaine amendment, which prohibits public funding of religious schools. The Institute for Justice (IJ) represented families receiving vouchers.

The case advanced to the Colorado Supreme Court, which ruled in June 2015 in favor of ACLU and its fellow plaintiffs. IJ is currently petitioning the U.S. Supreme Court to review the decision because, according to IJ’s website, “It applies the Colorado Constitution in a way that conflicts with the U.S. Constitution—specifically, the Free Exercise and Establishment Clauses of the First Amendment and the Equal Protection Clause of the Fourteenth Amendment.”

Following the Colorado Supreme Court’s ruling on the program, DCSD created the School Choice Grant Program in March 2016, a voucher program for private schools that have no religious affiliation. Taxpayers for Public Education challenged the new program in May, arguing public money should not fund any sort of private school. In August, Second Judicial District Court Chief Judge Michael Martinez, the same judge who first deemed the voucher program unconstitutional five years ago, ordered the new program be shut down because, as he said in his decision, “There is no fundamental difference between the two programs that would warrant exemption under this court's original injunction.”

DCSD said it will likely appeal Martinez’s ruling.

Contradictory Constitutions?
Tim Keller, an IJ attorney, says the Colorado Supreme Court ruling is in opposition to court precedent. “The U.S. Supreme Court has repeatedly held that parents have a fundamental right to direct the education and upbringing of their children,” Keller said. “However, for many families, that right is illusory, because they do not possess the means to choose a private school but must accept whatever neighborhood public school they are assigned to attend. It is unconstitutional to discriminate against families who desire to educate their children in a religious school in an otherwise religiously neutral school choice program.”

Challenging Parental Rights
Ross Izard, senior education policy analyst at the Independence Institute, says those who oppose education choice are opposing parents’ rights.

“Few are willing to argue directly that parents do not have the right to chart the best educational course for their children. ... Yet beneath all the rhetoric, this is exactly what opponents of educational choice are saying. This nation is built on the notions of fair opportunity and earned success.”

Michael McGrady (mmcgrady@uccs.edu) writes from Colorado Springs, Colorado.
Growth of Oklahoma Homeschool Co-Op Highlights Expanding Movement

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...tion, 35 families enrolled in LAB. This year, enrollment is up 54 percent, to 54 families.

As students made their way back to school in August, reports of expanding homeschool co-ops made headlines across the country. Tennessee’s Knoxville News Sentinel reported the 115-student Oak Grove Homeschool Cooperative has leased space at a larger local church because enrollment growth caused the co-op to outgrow its old space.

Florida’s Tampa Bay Times reported on the success of a “ministry co-op” that supports homeschoolers by offering “special classes for all grade levels and opportunities for socialization for the children.”

Arizona’s White Mountain Independent reported the Northeastern Arizona Homeschoolers support group nearly quadrupled the number of families joining the group in its second year.

‘So Many Homeschool Families’

Olsen says she collaborated with other homeschool families to make the LAB co-op a success.

“I got tired of driving to all the other co-ops, which were over 30 minutes away and constantly full and hard to get in,” Olsen said. “There are so many homeschool families in the area, and we were able to network with so many professional people to make this happen.”

Parents ‘Still in Charge’

Olsen says co-ops enable parents to control what their children learn.

“Co-ops don’t take over a child’s education,” Olsen said. “The parents are still in charge of their child’s education. LAB is just a way for kids to be around other kids and get instruction from someone else two or three times a week.”

Brian Ray, founder and president of the National Home Education Research Institute, says proponents of traditional public schools think it’s the government’s job to educate children.

“Government schools have a presupposition that they have a right to the child, to the education of the child, and the parents take it away from them,” Ray said. “Government-run schooling is a form of school choice. Parent-led education was the norm for millennia.”

‘Multiple Reasons for Homeschooling’

Parents who choose to homeschool “are hard to stereotype,” Ray says.

“Most homeschool parents have multiple reasons for homeschooling,” Ray said. “On the one hand, a return to parent-led education is proactive; many people are looking at the education of their children and saying, ‘It’s my job; it’s not the government’s job to teach worldview, etc.’ Then there’s a reactive response that says, ‘Oh, I need an alternative to public schools.’”

Jenni White (jlwplusdmw@gmail.com) writes from Oklahoma City, Oklahoma.

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Refugees Sue PA School District Seeking Better Education

By Cheryl K. Chumley

The American Civil Liberties Union (ACLU) is suing a school district in central Pennsylvania on behalf of six refugees who allege district officials violated their right of equal access to quality education by denying them entry to a top-ranking facility.

The plaintiffs range in age from 17 to 21 and originate from Burma, the Democratic Republic of Congo, Nepal, Somalia, and Sudan. ACLU filed a lawsuit against the School District of Lancaster (SDL) in July claiming the refugees “were, are, or may be in the future denied their right to equal educational opportunities and meaningful public education by Defendant School District of Lancaster in violation of the U.S. Constitution, federal civil rights statutes, and Pennsylvania education law.”

 “[The plaintiffs] allege the district turned away older student refugees, those in their late teens, delayed enrollment for others beyond the legally allowed period, or automatically enrolled them in a privately run alternative school—the Phoenix Academy—often without adequately discussing or explaining the move to the students or their parents,” PennLive.com reported.

“Having escaped their turbulent environment to resettle in America, these young immigrants yearn to learn English and get an education so they can make a life for themselves,” the lawsuit states, in part.

“[SDL] says the same English language instruction is available at Phoenix Academy as at Lancaster’s McCaskey High School,” PennLive.com reported.

Sharon O’Donnell, an attorney for SDL, said, “Phoenix Academy is not the prison that some people would make it out to be. They’re actually getting more focused instruction away from the distractions of the larger McCaskey High School.”

School Assignment ‘Problem’

Jonathan Butcher, education director for the Goldwater Institute, says governments shouldn’t limit students’ educational choices.

“The biggest problem is putting children in schools where they don’t want to be,” Butcher said. “I do think this is a problem, just to be assigned to a school and told, ‘This is your only option.’ That’s just not right.”

‘Little Self-Awareness’

Michael Schaus, communications director for the Nevada Policy Research Institute, says ACLU is being hypocritical about choice.

“It goes to show how little self-awareness the ACLU has when it comes to its disregard for educational choice,” Schaus said. “The ACLU’s own argument [in this Pennsylvania suit] demonstrates how inadequate the current system is at catering to the individual needs of students.”

ACLU “consistently litiates” to shut down any school choice programs across the country, Schaus says.

The Nevada Supreme Court is currently deciding the fate of the state’s education savings account program after ACLU sued, alleging the program violates the state constitution by allowing parents to spend taxpayer money at religious schools.

By Jenni White

A study examining the test scores of thousands of 15-year-old Australian students found those who play online video games perform better than average in math, reading, and science, and those who use social media have worse-than-average scores.

The study, titled “Internet Usage and Educational Outcomes Among 15-Year-Old Australian Students,” was authored by Alberto Posso of the Royal Melbourne Institute of Technology and published in August in the International Journal of Communication. It examined scores of 12,000 Australian students on the 2012 Program for International Student Assessment (PISA).

According to PISA’s conductor, the Organisation for Economic Co-operation and Development, PISA is an “international survey which aims to evaluate education systems worldwide by testing the skills and knowledge of 15-year-old students.” Education Week reports in addition to measuring students’ knowledge and application of math, reading, and science, “Students also answer survey questions about a variety of topics, including their internet use.”

Posso’s study found students who played video games almost every day scored 15 points above average in math and reading and 17 points above average in science.

“Children who regularly use online social networks, such as Facebook, tend to obtain lower scores in math, reading, and science than students who never or hardly ever use these sites,” the study found, reporting students who used social media daily scored, on average, 20 points lower in math than those who reported not using social media at all.

Causation vs. Correlation

Ze’ev Wurman, a senior fellow with the American Principles Project and a former U.S. Department of Education official under President George W. Bush, says it’s likely kids who play online games are also better at math.

“Kids attracted to computer games are probably also somewhat more likely to enjoy math and science and be boys,” Wurman said. “The fact that the effect flattens quickly—kids who play every day don’t do as well as those who play almost every day—also points to the fact that game playing in itself doesn’t contribute, but rather that game-playing correlates with the population interested in math and science.”

‘Adolescent Interests’ Locked In

Mark Bauerlein, an English professor at Emory University and author of The Dumbest Generation: How the

Study: Social Media Users Score Lower on Tests

Digital Age Stupefies Young Americans and Jeopardizes Our Future, says social media immerses young people in juvenile language and juvenile thought processes.

“Social media locks you into the adolescent interests of adolescents,” Bauerlein said. “When I was young, pretty much the only youth language I encountered was when I was talking with my buddies. You had to listen to adult speech then. I couldn’t sit in the backseat of the car and chat with my friends. I had to listen to my parents. Social media has immersed adolescents in adolescent language and pictures.”

Jenni White (jlvplusdmw@gmail.com) writes from Oklahoma City, Oklahoma.
Alaska Passes Bill Allowing Parents to Withdraw Kids from Standardized Tests, Sex Education

By Michael McGrady

A bill allowing parents to opt their children out of standardized testing and other public school programs they object to has become law in Alaska.

House Bill 156 states it is “a parent’s right to direct the education of the parent’s child.” The bill recognizes “the authority of a parent” to withdraw his or her child from a standards-based assessment or test required by the state, and it allows “a parent to object to and withdraw the child from an activity, class, or program.”

HB 156 also requires local school boards to notify parents “not less than two weeks before any activity, class, or program that includes content involving human reproduction or sexual matters is provided to a child” and to enable parents to review material before it is taught to their children.

The bill requires a person teaching sex education to have a teacher certificate or be supervised by someone who does, and any teaching materials they use must have been previously approved by the school board.

In April, the Alaska House passed HB 156 in a 22–17 vote, and the Senate passed it by a vote of 15–5. Gov. Bill Walker (I) neither signed nor vetoed the bill, and HB 156 became law without his signature on July 28. It goes into effect on October 28.

‘Opposition by Planned Parenthood’

State Rep. Wes Keller (R-Wasilla) first introduced HB 156 in March 2015, and he reintroduced it in March 2016. Keller says Planned Parenthood made it very difficult for him to get support for his bill.

“I had to work very hard, harder than any bill I’ve ever worked on,” Keller said. “The reason is because of the intense opposition by Planned Parenthood. The Planned Parenthood group is claiming they got 4,800 people to call the governor to encourage him to veto the bill, and that kind of opposition has an impact.”

Planned Parenthood is a nonprofit organization that provides free and reduced cost reproductive health services, including abortions, and receives approximately $500 million per year in government funding. The organization also provides sex education curricula and sometimes contracts with school districts to teach sex ed. Planned Parenthood teaches sex education to more than 2,000 Alaska children, Breitbart.com reports.

“The bill died a total death three times on the floor because we lost by one vote,” Keller said. “And then I was able to get another vote each time, and we’d do another reconsideration, and then we’d lose somebody else, and so it was the fourth and final last chance we had that we finally got the one vote we needed to pull it across the line. It was a very, very difficult bill, and it was largely due to the Planned Parenthood resistance.”

Standardized Testing Moratorium

The law also cancels standardized testing in Alaska schools until 2020, at which time students will take a new test developed with input from parents, teachers, and education experts. Keller says some people were concerned the federal government would take away funding if Alaska didn’t participate in standardized testing.

“As far as the testing element is concerned, and this is a generalization, we never got any real pushback on that,” Keller said. “There was resistance from our own Department of Education, who didn’t want to lose the federal money, but because the federal government would not get specific and say, ‘You’re going to lose it if you do this,’ we went ahead and did it anyway and put a caveat in there that if they specifically say they’re going to take the money, then the bill won’t have an effect. We’re betting on the fact that they will give the break in the high-stakes testing like they did in California.”

Though the law cancels standardized testing until local districts develop a new, statewide testing system, Keller says the provision allowing parents to opt their kids out of standardized tests “is there forever.”

Protecting Parents’ Rights

Shane Vander Hart, editor of Truth in American Education, says more lawmakers should protect parents’ rights.

“Legislators can’t assume parental rights will be respected,” Vander Hart said. “They need to take action now to ensure parental rights will be protected, and that will probably mean working to amend state constitutions with language that recognizes the state doesn’t grant parental rights [and that] they need to be protected.”

David Boyle, executive director of the Alaska Policy Forum, says HB 156 grants parents more control over education.

“The legislation actually gives parents a lot more rights,” Boyle said. “It really empowers parents to do what they basically want to do as far as opting out of anything—any classes, any standardized instruction—and without students being penalized for being absent. The parent can withdraw the child from any activity or classroom program they don’t agree with.”

Keller says he’s “always been a champion for parental control.”

“This bill] comes from my drive to have parental rights and freedom for family, of wanting parental responsibility for their own kids,” Keller said.

Michael McGrady (mmcgrady@uccs.edu) writes from Colorado Springs, Colorado.
By Kenneth Artz

Los Angeles Unified School District (LAUSD) Superintendent Michelle King says the district has been working to make it easier for parents to access LAUSD public school choice programs.

LAUSD’s enrollment has been declining for a decade. The district, which enrolls approximately 514,000 students, is projected to lose 13,000 students this year.

Southern California Public Radio (SCPR) reports LAUSD’s school choice programs, including charter schools, language immersion schools, magnet programs, and transfer and open-enrollment policies, have been growing in popularity.

“In 2013–14, more than 135,000 students exercised school choice; that’s roughly one out of every four students in the L.A. Unified that year,” SCPR reported.

In an August interview with SCPR, King said, “Even though we have a lot of choice, it wasn’t a pipeline. … We’ve really tried to work hard to ensure that we make those connections, fill those gaps so that parents have that opportunity as well.”

King also said “there kind of comes a tipping point” with charter schools. Ensuring the best education for all students can’t be achieved by “just opening up more and more and more any type of school, cutting up and slicing up the pie in smaller and smaller pieces, because I feel, unfortunately, that would be an adverse impact on our kids,” said King.

Apparent Opposition to Charters

Earlier in 2016, a group of charter school operators sent a letter to the LAUSD Board expressing concern the district is “looking for reasons to prevent new charter schools from opening, even those proposed by the most respected, successful charter operators.”

Lance Izumi, senior director of the Pacific Research Institute’s Center for Education, says King is opposed to school choice programs that relinquish LAUSD’s control.

“Superintendent King says she wants more choices for parents and students, but her statements and, more importantly, the actions of her district demonstrate that the added choices she supports are limited to schools that she and her district control.”

LANCE IZUMI
SENIOR DIRECTOR AT THE CENTER FOR EDUCATION
PACIFIC RESEARCH INSTITUTE

’s Maywood Academy High School

LAUSD Remains Opposed to Charters, Private School Choice

“Izumi says LAUSD managers are acting in their own self-interest, not for students, parents, and taxpayers. “Once again, the actions of King and the district show that the ultimate concern is for the adults in the system, not the parents and the children who would like to vote with their feet to leave the schools controlled and run by the Los Angeles Unified School District,” Izumi said.

Kenneth Artz (kartz@heartland.org) writes from Dallas, Texas.
School Choice Coalition Launches In Montana

By Michael McGrady

A group of organizations has launched the Montana School Choice Coalition (MSCC) with the goal of increasing school choice options for parents and students in the state.

Montana enacted its first and only school choice program in 2015: the Tax Credits for Contributions to Student Scholarship Organizations program, a tax credit scholarship.

Also in 2015, Gov. Steve Bullock (D-MT) vetoed a bill establishing a special-needs education savings account program.

David Herbst, state director of Americans for Prosperity-Montana (AFP), announced in July AFP had joined forces with ACE Scholarships, Big Sky Scholarships, Montana Catholic Schools, Montana Family Foundation, Montana Federation of Independent Schools, and Montana Policy Institute to form MSCC.

MSCC said in a press release, “The coalition is focused on empowering parents with the best education options for their children, and urging Montana lawmakers to focus on increasing school choice options for students and parents by giving them the tools they need to thrive, specifically an Education Savings Account (ESA) program and a Tax Credit Scholarship program.”

‘School Choice Is Popular’

Herbst says most people want school choice, but politics prevents children from getting the best education.

“We have a lot of moderate Republicans in the state that dictate the debate,” Herbst said. “School choice is popular. Education savings accounts are popular. The vast majority of people from the bottom-up of society support this idea, despite efforts against it. We can’t let this idea die because of the power of politics involved. Our children are worth it.”

School Choice ‘Gaining Momentum’

Jeff Laszloffy, president of the Montana Family Foundation, says school choice programs are becoming more popular because parents and children need them.

“This is an issue that is gaining momentum, and it is being driven by parents and kids who need solutions,” Laszloffy said. “We are seeking a private-sector solution to a public-sector problem. There is a portion of kids for whom a public school education works well, but there is a portion for whom it does not work, and we are seeking solutions for that group of individuals.”

Michael McGrady (mmcgrady@uccs.edu) writes from Colorado Springs, Colorado.

Louisiana Private Schools Accept Unfunded Voucher Students as State Cuts Funding

By Kenneth Artz

Budget cuts affecting Louisiana’s school voucher program have landed hundreds of students on private school waitlists, though several schools have agreed to accept the students without any certainty of receiving the voucher funds.

The Louisiana Scholarship Program (LSP) grants low-income students in poorly performing public schools vouchers worth an average of $5,856 per year to spend on private school tuition. In 2015, 7,110 students participated in the program, on which the state spent $42 million. Due to budget cuts in 2016, funding for the program dropped by about $2.5 million, leaving 362 students without the funds they need to attend the school of their choice.

Isaiah White, Louisiana’s state superintendent of education, proposed what he called an “emergency plan” in August, asking schools to accept waitlisted students with the hope they will be paid back later.

The Times-Picayune reported in August, “If private schools agree to enroll these students anyway, without a guarantee of payment, White will go to the legislature in the spring and ask lawmakers for more money, he said. But if lawmakers’ answer is no, the schools would get less than $100 per child.”

As of late August, private schools had agreed to enroll 175 of the waitlisted students.

LSP Saves Money, Study Shows

The School Choice Demonstration Project at the University of Arkansas released a study in August that found although eliminating LSP “was proposed as a way to improve the financial situation of the Louisiana Department of Education budget,” canceling the program would likely result in “an overall cost increase.”

In the study, titled Squeezing the Public School Districts: The Fiscal Effects of Eliminating the Louisiana Scholarship Program, authors Corey A. DeAngelis and Julie R. Trivitt wrote, “We conclude that the overall fiscal impact on districts will be negative; in other words, the overall additional variable costs incurred by the districts will be greater than the overall additional funding provided to the districts. In fact, we find that only 2 to 7 of the 69 school districts would benefit from the elimination of the program.”

DeAngelis told School Reform News the study’s findings contradict conventional thinking.

“We end up with a seemingly counterintuitive result: cutting a program costs the taxpayers money,” DeAngelis said.

‘Overly Simplistic’ View

Trivitt says the theory cutting programs saves money doesn’t take into account the complexities of the education funding system.

“We heard that ending the LSP program was being considered as a way to save money, but that is an overly simplistic view of education funding,” Trivitt said. “Since the state is obligated to make sure schools have adequate funding, you have to consider where the students will be educated without the LSP. When they go back to public schools, the state avoids one expenditure, but it increases another one.

“Without the LSP, districts have more students to educate, as voucher users are forced to return to public schools,” Trivitt said.

Kenneth Artz (kartz@heartland.org) writes from Dallas, Texas.

INTERNET INFO


Members of the National Association for the Advancement of Colored People (NAACP) are calling for “a moratorium on the proliferation of privately managed charter schools.”

A resolution passed at the 2016 NAACP National Convention in Cincinnati, held in July, reaffirmed NAACP’s 2014 resolution titled “School Privatization Threat to Public Education.” The document declares charter schools with privately appointed boards “do not represent the public yet make decisions about how public funds are spent [and have] contributed to the increased segregation rather than diverse integration of our public school system,” among other things.

The resolution will become official NAACP policy if the national board approves it at its October 2016 meeting.

Charters Subject to ‘Strict Oversight’

Larry Sand, president of the California Teachers Empowerment Network, says it’s unlikely a lack of oversight is the real reason NAACP is calling for an end to charter schools.

“There is plenty of oversight now,” Sand said. “If a charter is not doing what it is supposed to do, parents will vote with their feet and the school will be shuttered. But traditional public schools do need more oversight. If one of them is failing, the typical response is to throw more money at it. A bad school is rarely closed, and its teachers are almost never fired.”

LARRY SAND, PRESIDENT, CALIFORNIA TEACHERS EMPOWERMENT NETWORK

NAACP Calls for Moratorium on Privately Managed Charter Schools

By Elizabeth BeShears

Utah’s State Board of Education voted unanimously to approve a new alternative pathway for public school teachers to obtain a teaching license, eliminating a policy requiring candidates to take college-level teacher-training classes.

Utah’s Academic Pathway to Teaching program (APT) enables school administrators to hire people with at least a bachelor’s degree and have them earn their teaching license through three years of supervision and mentoring provided by a veteran teacher. Candidates must also pass a background check, an ethics exam, and a content-knowledge test in their subject area.

Prior to the new rule, alternative certification was limited to the Alternative Routes to Licensure (ARL) program. ARL requires teachers to complete coursework in education from an accredited college or university within three years of being hired.

ABC4 News Utah reported in August the state’s teacher shortage is at an all-time high.

The state board initially approved APT in June. The Deseret News reports the board gave final approval to APT in August “despite criticism by veteran educators and education groups that prospective teachers who lack pedagogical training would negatively impact student learning.”

‘Missing Out’ on Good Teachers

Eric Wearne, an assistant professor at the Georgia Gwinnett College School of Education, says certification requirements often deter good candidates from entering the profession.

“The barriers to teaching are unnecessarily high,” Wearne said. “We are missing out on people who could be really successful teachers but don’t have the time or resources to put a hold on their career change to go to college again full-time or to go to school at night for years. Those high barriers don’t produce much better teachers on average. That’s not to say that some training in pedagogy doesn’t matter. It does. But official certification and sufficient training in pedagogy aren’t necessarily the same thing.”

Christine Cooke, a policy analyst for the Sutherland Institute’s Center for Educational Progress, says the ARL program restricts innovation.

“ARL basically sends somebody back to a college of education after they’ve been hired,” Cooke said. “I think it’s a little prohibitive. If somebody really wants to bring a new idea, expertise, or approach [to the classroom], they’d still have to go through the traditional training, which doesn’t leave a ton of room for innovations.”

Gives Districts ‘Total Control’

Utah State Board of Education member Laura Belnap says APT increases local control.

 “[APT] provides the district schools and charters one more tool in their toolbox to hire good educators,” Belnap said. “It puts total control at the district level.”

“Our state needs to revamp the entire licensing and endorsement program,” Belnap said. “I’d like to see higher education make some changes as well. It’s a long, tedious process to become a teacher.”

Ashley Bateman (bateman.ae@googlemail.com) writes from Alexandria, Virginia.

‘A Permanent Black Eye’

Rick Hess, director of education policy studies at the American Enterprise Institute, says if local governments adopt NAACP’s proposed moratorium, the entire charter school system will suffer.

“It would give a permanent black eye to the sector,” Hess said. “One of the things that has made charter schools successful is it has been a fairly bipartisan issue with a broad base of public support. If any state were to suddenly suggest that there was something so troubling with charter schools that they needed to be frozen, I think that would be a permanent setback.”

Hess says NAACP’s resolution is also bad for students.

“Just think about the sheer number of children on waitlists, waiting to get into charters that currently don’t have seats for them,” Hess said. “These families think charters are offering them much better alternatives than their district schools, and we’re talking hundreds of thousands of children who will be told, ‘Sorry, no more schools will be opening up—no matter how much you want them to.’”

Elizabeth BeShears (liz.erob@gmail.com) writes from Trussville, Alabama.

Utah Adopts Broader Teacher Licensing Rule Amid Teacher Shortage

By Ashley Bateman

INTERNET INFO

By Teresa Mull

Pennsylvania state Sen. Lloyd Smucker (R-Lancaster) says he wants to see fewer standardized tests in the state when the Every Student Succeeds Act (ESSA) takes effect in July 2017.

President Barack Obama signed ESSA into law in December 2015 to replace the No Child Left Behind Act, a law governing national education policy.

The White House website says ESSA “delivers a much-needed fix to the out-dated policies of No Child Left Behind by rejecting the overuse of standardized tests and one-size-fits-all mandates, and instead, empowering states and school districts to develop their own strategies for improvement.”

In Pennsylvania, students in grades 3–8 take the Pennsylvania System of School Assessment tests, which are aligned to the Pennsylvania Core Standards (PCS). The State Board of Education adopted the Common Core State Standards in 2010, and it replaced Common Core with PCS in 2013. Eleventh-grade students take the Keystone Exam, which is also aligned to PCS.

“We know that the pendulum has swung too far to the side of standardized testing,” Smucker told Lancaster Online in July. “The ESSA law gives us the opportunity to recalculate that.”

‘A Very Positive Step’ Smucker says ESSA gives the states more say in standardized testing.

“ESSA moves more decision-making regarding testing to the state level, a very positive step in the right direction,” Smucker said. “Under the new ESSA, tests will be given in the same subjects and grade levels as before, but states will have more flexibility in the amount of testing time required in schools, as well as how the results are used.”

Smucker says Pennsylvania legislators have been discussing ways to reform the system.

“Since the enactment of ESSA in December, Pennsylvania lawmakers have held joint hearings on what accountability and flexibility will look like [under ESSA] in its day-to-day application,” Smucker said. “Thus far, the House and Senate Education Committees have held four hearings. More are planned for the fall.”

‘Fewer but Better Tests’ Smucker says his goal is to make testing more efficient.

“As chairman of the Senate Education Committee, [I’ve] listened to the concerns of many teachers, parents, students, school board members, and more, [and] I hope to see fewer but better tests,” Smucker said. “This sentiment seems to be shared by the Pennsylvania Department of Education, which is also actively exploring ways to shorten the tests for grades 3–8.”

Tests a ‘Legitimate Yardstick’ Smucker says tests are important for measuring accountability and should not be eliminated completely.

“Although there is no perfect test or one-size-fits-all solution, tests are a legitimate yardstick,” Smucker said. “Accountability measures must be consistent over time to be meaningful and part of an array of measures. With input from citizens and educators, the state hopes to move away from a punitive, single-point-in-time assess-

“ESSA moves more decision-making regarding testing to the state level, a very positive step in the right direction. Under the new ESSA, tests will be given in the same subjects and grade levels as before, but states will have more flexibility in the amount of testing time required in schools, as well as how the results are used.”

LLOYD SMUCKER
STATE SENATOR, LANCASTER, PENNSYLVANIA
Minnesota Teacher Tenure Suit Continues, Despite ‘Vergara’ Ruling

By Kimberly Morin

Minnesota parents suing the state over its teacher tenure laws say they will go through with their lawsuit even though the California Supreme Court recently declined to hear a similar case.

Minnesota’s tenure laws grant teachers job protection after three years of employment. When layoffs occur, teachers are primarily removed in reverse order of seniority, on a “last in, first out” (LIFO) basis.

Four parents of public school students filed the Forslund v. Minnesota lawsuit in April. The complaint alleges the state’s teacher tenure laws and layoff procedures “deprive students of their fundamental right to a thorough and efficient education” granted by the state constitution.

The complaint also alleges the laws “perpetuate Minnesota’s opportunity gaps” between low-income students and students of color and their peers.

“The problem is worse for students at schools serving predominantly low-income students and students of color because such schools employ a disproportionate share of ineffective teachers,” the complaint states. “In general, low-income students and students of color are more likely to be taught by ineffective teachers than students attending schools serving more affluent and/or majority-white student populations.”

The parents are requesting the court declare the state’s tenure and seniority policies unconstitutional. They are also asking the court to “enter a permanent injunction” that would prevent the state from implementing a tenure or seniority system in the future.

‘We Will Continue Fighting’

The California Supreme Court decided in August not to review the ruling made by an appellate court in the case Vergara v. California, which upheld California’s tenure and seniority rules. Plaintiffs in Vergara challenged the state’s tenure and dismissal laws and won an early victory in March 2014, when the Los Angeles Superior Court ruled in their favor.

In April 2016, California’s Second District Court of Appeals overturned the Superior Court’s ruling, deciding the plaintiffs had failed to show tenure and seniority laws were to blame for depriving students of a quality education.

Tiffini Flynn Forslund, the lead plaintiff in the Minnesota case, said in a press release issued in August after the Vergara ruling, “Our frustrations and our momentum are too strong for this parent movement to stop here. We will continue fighting for educational justice and won’t be silenced until every student’s right to a quality education is upheld.”

A Ramsey County District Court judge heard initial arguments in Forslund v. Minnesota in July. The Willmar West Central Tribune reported at the time, “If the case moves forward it will likely be months before it goes to trial.”

‘Directly Affected My Family’

Forslund says she decided to challenge Minnesota’s tenure and seniority rules after a layoff at her public school.

“It’s something that I have been advocating as an activist and have been lobbying [in favor of] for quite a while,” Forslund said. “It directly affected my family and did not make sense to me. My middle daughter had an extremely good 5th grade teacher who was unbelievably better than any other teacher I had ever seen through my schooling or my kids’ schooling. And then he was let go because he had had seven years in another school district, and he had just come to our school district.”

The teacher Forslund described was “last in,” making him vulnerable.

“He had [been awarded] ‘Teacher of the Year,’” Forslund said. “That just did not make sense to me. Why would you let a teacher who is just exemplary go? Why would you fire them out of the school system?”

Board’s Arguments Not ‘Solid’

Forslund says she sat in on the dismissal hearings of her daughter’s teacher and was not impressed by the school board’s arguments.

“I sat through the hearings,” Forslund said. “I think we brought up some really good points. There were many attorneys from other school districts. Many of their arguments didn’t seem solid. One of the things that came up was that LIFO originated in 1920. We’re in 2016 now. It was definitely set up to protect the job of a teacher no matter how their teaching efforts or outcomes are. To me, that is a huge piece to the education failure that we’re seeing.”

Giving Principals Discretion

Max Eden, a senior fellow at the Manhattan Institute, says schools would do better if principals were in control of who is hired and fired.

“It’s very hard to gauge the damage that [LIFO] does to the public school system,” Eden said. “It matters the most when school districts are facing a budget crunch and have to scale back their workforce. Ideally, you would want a principal to have the discretion to cut the poor teachers and keep the good ones, but LIFO takes that authority out of their hands, so it leaves students with a [weaker] set of teachers than they deserve.”

A ‘Very Avoidable Loss’

Eden says parents can do “more than many might think” to fight unfair firings.

“Parents would not be able to get a teacher fired, per se, but if they are willing to fight to get their kid away from a bad teacher and to a classroom led by a more-talented one, they may be surprised at the accommodations the district would be willing to make to avoid a headache,” Eden said. “It might dispirit new teachers. But the real loss comes when talented young teachers find themselves laid off. Some may try to return, but many others will not, and that’s a very avoidable loss for our public school system.”

Kimberly Morin (kimberlyamorin@gmail.com) writes from Brentwood, New Hampshire.
Eight States to Develop ‘Social and Emotional’ Learning Standards

By Jenni White

Eight states will be working with the Collaborative for Academic, Social, and Emotional Learning (CASEL) during the 2016–17 school year to develop new social and emotional learning (SEL) standards.

CASEL, which receives some government funding, states on its website the organization’s mission is to advance “the development of academic, social, and emotional competence for all students.”

CASEL announced in August it had chosen California, Georgia, Massachusetts, Minnesota, Nevada, Pennsylvania, Tennessee, and Washington State to participate in the Collaborating States Initiative (CSI) program. CASEL’s website says CSI “will allow us to actively partner with eight states on the development of policies, learning standards, and guidelines to support statewide implementation of social and emotional learning.”

Reporting on the program in August, an author for Chalkbeat.com wrote, “Strategies to bolster social and emotional skills include class meetings, breathing exercises, individual check-ins, and safe spaces where students can go to calm down without feeling like they’re being punished.”

On September 1, educators, parents, and researchers will begin collaborating with CASEL staff and an advisory group of experts chosen by CASEL to develop the SEL standards. The goal is to have the standards ready for review by state boards of education by spring 2017.

Government Thought Police?

Jane Robbins, a senior fellow at the American Principles Project, says SEL involves asking students to respond to statements and questions, including: “I am open to different opinions and perspectives,” “How old were you the first time you used marijuana or hashish?” and “During the past 12 months, on how many occasions have you seriously considered harming yourself on purpose?”

Effrem says teachers are not qualified to manage this sort of psychological analysis. “Teachers aren’t trained to record information about kids and their SEL reactions to things; psychiatrists and psychologists are,” Effrem said.

Robbins says there isn’t much value in having unqualified people evaluating children.

“If you’re not trained to do it, the whole thing becomes very nebulous,” Robbins said. “What is normal for an eight-year-old to be doing? Who makes that decision?”

Parents Excluded

Effrem says parents should “absolutely be concerned about these surveys because of privacy invasions” and because the SEL training could “steer a child away from family mores and values.”

Effrem says parents won’t necessarily know what is in the SEL surveys when they’re conducted online.

“It becomes more difficult for parents to see what is asked when the test, parts of the curriculum, and surveys are given online,” Effrem said.

Jenni White (jlwplusdmw@gmail.com) writes from Oklahoma City, Oklahoma.

KS Counties Seek Sex-Ed Funding After State Declines Federal Grants

By Michael McGrady

Two of Kansas’ most populous counties, Johnson and Wyandotte, are looking for a combined total of almost $500,000 to continue funding their schools’ sex-education programs.

The two counties have been receiving funds for sex-ed courses since 2010 through a federal grant called the Personal Responsibility Education Program (PREP), a creation of the Affordable Care Act.

In June, Kansas Department of Health and Environment (KDHE) officials told Johnson and Wyandotte, the only counties in the state using PREP money, KDHE wouldn’t be reapplying for the grant.

PREP will fund the sex-ed programs through 2017. In July, Greg Stephenson, a personal health services manager with the Wyandotte County Public Health Department, told the Kansas City Star, “We’re not sure what we’re going to do.”

Grants Have ‘Strings Attached’

State Sen. Mary Pilcher-Cook (R-Shawnee) says federal grants come with unforeseen obligations.

“Federal grants pose several problems,” Pilcher-Cook said. “Rarely are federal funds received without strings attached, and if the strings are not there to begin with, they are added after the entity has become dependent on the money. The funding mechanism then becomes a method of coercion. If the entity wants to continue receiving the money, it either has to comply with objectionable regulations, or it has to spend additional money and resources to comply with unnecessary regulations.”

Prior Sex-Ed Complaints

Mark Ellis is a Kansas parent and former school board candidate who made headlines in 2014 for objecting to a poster in his 13-year-old daughter’s classroom titled “How Do People Express Their Sexual Feelings?” which listed sexual activities such as “anal sex,” “oral sex,” and “vaginal intercourse,” directed at middle school students.

This poster is what came from the federal government, government Ellis said. “To mandate from Washington, DC what every school district in the nation must teach regarding sex education is horrible.”

Ellis said it’s not the government’s place to teach kids about sexuality.

“The federal government doesn’t have any business in local schools,” Ellis said. “It’s simple: When the federal government gets involved, [the poster] is what happens. This poster is what came from the federal government dictating sex ed in our public schools.”

Government ‘Has an Agenda’

Jim Sedlak, executive director of the American Life League and founder of Stop Planned Parenthood International, says the federal government should not be involved in teaching sex education.

“I applaud Kansas for cutting off from federal money for sex education, because the federal government, especially under the current administration, has an agenda, [which] is to push national sexuality education standards,” Sedlak said. “To mandate from Washington, DC what every school district in the nation must teach regarding sex education is horrible.”

Michael McGrady (mmcgrady@mccgradyprresearch.org) writes from Colorado Springs, Colorado.
By Teresa Mull

A federal judge has blocked the U.S. Department of Education (DOE) from requiring public schools to allow transgender students to choose bathrooms and locker rooms according to their sense of “gender identity.”

DOE’s Office for Civil Rights and the U.S. Department of Justice’s (DOJ) Civil Rights Division sent a “Dear Colleague” letter to public schools in May mandating, in part, “When a school provides sex-segregated activities and facilities, transgender students must be allowed to participate in such activities and access such facilities consistent with their gender identity.”

The New York Times reports the directive “does not have the force of law, but it contains an implicit threat: Schools that do not abide by the Obama administration’s interpretation of the law could face lawsuits or loss of federal aid.”

States Sue

Texas led 11 states in filing a lawsuit against DOE and DOJ in May to overturn the transgender directive. Two more states have since joined as plaintiffs in the suit.

Texas Attorney General Ken Paxton (R) filed a brief in August on behalf of the 13-state coalition asking Judge Reed O’Connor of the U.S. District Court for the Northern District of Texas to apply a preliminary injunction on the administration’s new rules while the case is being considered.

On August 22, O’Connor granted the injunction, ruling the federal government did not give states enough notice or give them a chance to comment on the guidelines before they were issued.

O’Connor said in his decision the directive also puts states “in the position of either maintaining their current policies in the face of the federal government’s view that they are violating the law, or changing them to comply with the guidelines and cede their authority over this issue.”

A Justice Department spokesman said in a statement following the ruling the administration was considering its options for challenging the injunction.

‘An Important Victory’

Matt Sharp, legal counsel for the Alliance Defending Freedom, a nonprofit legal organization working on religious freedom cases, says the judge’s ruling is good news for those in favor of state and local control of schools.

“This ruling is an important victory for the long-term battle,” Sharp said. “The Obama administration attempted to unilaterally change what the law and common sense say by issuing its Dear Colleague letter in May. The Texas decision shows that courts are recognizing the radical overreach by the Obama administration into an area that belongs to states and local schools. It also increases the likelihood that the Supreme Court will take up this issue to provide a final decision on whether the administration’s actions in imposing this edict nationwide are unlawful.”

‘Dramatic Social Engineering’

Horace Cooper, an adjunct fellow with the National Center for Public Policy Research and co-chairman of the national advisory board of Project 21, the National Leadership Network of Black Conservatives, says it’s not the government’s place to determine children’s views about sexuality.

“Young people, students in particular, are individuals who should not have social experimentations imposed on them,” Cooper said. “That’s the point. They took this step not because this discussion isn’t happening in a positive way. They did this precisely because there isn’t open conflict.”

‘Mostly a Non-Issue’

Cooper says accommodating transgender people is “mostly a non-issue” and has already been addressed successfully throughout the country.

“There are students in colleges and in work situations who are and were being accommodated on a case-by-case basis,” Cooper said. “There are facilities all across the land where they have unisex restrooms. This kind of accommodation is easy. It’s simple. It was already occurring.”

“The administration definitely wants to create the impression that they are promoting the concerns and interests of the transgender community, but they also particularly want the backlash,” Cooper said. “That’s the point. They did this precisely because there isn’t open conflict.”

Teresa Mull (tmull@heartland.org) is an education research fellow for The Heartland Institute and managing editor of School Reform News.

LEARN MORE

Judge Reed O’Connor, Preliminary Injunction Order, U.S. District Court for the Northern District of Texas, August 21, 2016: https://www.heartland.org/publications-resources/publications/texas-judge-orders-preliminary-injunction-on-obama-administration-transgender-directive

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The Homeschool Legal Defense Association (HSLDA) has gathered more than 14,500 signatures from citizens who object to language in a new form Colorado parents must complete to obtain immunization exemptions for their children.

Colorado parents who choose not to immunize their children may submit to the child's school a request for medical, personal, or religious exemption. The Colorado Department of Education mandates non-public homeschooling parents keep immunization and immunization exemption records and provide them to the school district that received the notification of homeschooling upon the district’s request.

The Colorado Department of Public Health and Environment (CDPHE) in June created a new form for those seeking nonmedical immunization exemptions. The form requires parents to sign a statement that includes the following: “Failure to follow the advice of a physician, registered nurse, physician’s assistant, or public health official who has recommended vaccines may endanger my child’s, my health, or life [sic] and others who come into contact with my child/me.”

**Requires Assent**

HSLDA sent a letter in August to CDPHE saying the form violates the First Amendment because it contains compelled speech.

“This form contains language that requires those filling out the form to either explicitly or implicitly assent to viewpoints with which they do not agree,” the letter stated.

As of August 22, HSLDA had collected 14,600 signatures for a petition urging Gov. John Hickenlooper (D) to "stop unconstitutional vaccine requirements that compel speech and threaten parental rights."

HSLDA reports the Colorado attorney general’s office said it had received the letter and CDPHE is “researching the issue.”

‘An Unconstitutional Burden’

Mike Donnelly, an HSLDA attorney, says CDPHE is overstepping its authority.

“You can’t make people agree to something that they don’t agree with in order to exercise their lawful rights,” Donnelly said. “People in Colorado have a lawful right to exempt their children from immunizations for either religious or personal reasons. The state has no discretion. It’s a right people have. The state is putting an obstacle in their way that is an unconstitutional burden.”

State Sen. Kevin Lundberg (R-Berthoud), chair of the Senate Committee for Health and Human Services and a homeschooling parent, says he’s concerned about the state imposing its views on people.

“I’m not totally opposed to vaccinations, but I am opposed to the state forcing on every family their protocol of what those vaccinations should be and when they should be administered,” Lundberg said. “And I’m opposed also to the department requiring this form that has this compulsory speech in it. "They don’t want to give parents choice," Lundberg said. “Public health officials far too often want to force everybody to do what they think is best, not what a family may know is better for their family.”

**‘Could Be Used Against People’**

Donnelly says people are worried signing the form could come back to haunt them.

“We are concerned that the person signing the exemption form in its current form is [making] a statement that could be used against people, either in subsequent criminal or civil action against them, including allegations of medical neglect, which may be related to the choice not to vaccinate where they are acknowledging risk that they don’t agree with,” Donnelly said.

Fran Sincere, president of the Colorado Coalition for Vaccine Choice, says people are also concerned about submitting the form online.

“By submitting this form online, their data gets entered into the CIIS—the Colorado Immunization Information System—and once that information is in there, the department and/or the schools can use that information in any way they want, because it’s made available to them by the parents,” Sincere said.

Lundberg says a person can opt out of the CIIS, but those who do are not removed from the system and are instead put on a different list.

“Those who want to avoid being in the data system end up being on the list in the data system of those who want to avoid being in the data system,” Lundberg said. “They’ve been building this system for years. Anytime somebody interfaces with a hospital, a clinic, a doctor, or a school clinic, they are to be checked against the CIIS, and they are to be put in the CIIS unless you specifically opt out every time you interface with the system.”

Elizabeth BeShears (liz.erob@gmail.com) writes from Trussville, Alabama.

"Public health officials far too often want to force everybody to do what they think is best, not what a family may know is better for their family."

KEVIN LUNDBERG

STATE SENATOR

BERTHOUD, COLORADO

**By Elizabeth BeShears**

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Elizabeth BeShears (liz.erob@gmail.com) writes from Trussville, Alabama.
Florida Moms Continue Fight for Mandatory Recess

By Teresa Mull

A group of Florida mothers is continuing its push to make recess a mandatory part of the school day, despite legislation addressing the mothers’ concern failing to make its way out of the state’s Senate earlier in 2016.

“The mothers, who call themselves “Recess Moms,” first petitioned their local school board in Orange County in 2014 to require 20 minutes of daily recess. The school board denied the mothers’ request, so the Orange County moms, along with mothers from other counties, lobbied state lawmakers.

In February 2016, the Florida House voted 112–2 in favor of House Bill 833 to require public schools to provide at least 20 minutes of recess each school day for elementary school children in public schools. Arguing recess is a local issue, Senate Committee Chairman John Legg (R-Trinity) did not allow the legislation, Senate Bill 1002, to be heard in committee, and the bill did not make it to the Senate floor for a vote.

Legg is not seeking re-election this year. State Rep. Bob Cortes (R-Altamonte Springs), a cosponsor of HB 833, told School Reform News it’s likely the bill’s prime sponsor, state Rep. Rene Plasencia (R-Orlando), will file the bill again during the March 2017 legislative session.

“I plan on supporting it,” Cortes said. “I’ll be helping him move it forward and passing it. We will have as much, if not even more, support.”

Kids ‘Crying, Complaining’

Angela Browning, who helped form the Orange County Recess Moms, says personal experience caused her and a friend to start petitioning for mandatory recess. “It seemed like recess was dwindling for our kids,” Browning said. “There was a lot of testing that was going on. Elementary school just wasn’t the same for our kids as it was for us. Our kids were coming home from school complaining that the day was too long.

They were crying, ‘Mommy, please don’t make me go to school.’”

“Recess ‘Critical’ for Kids

Browning says scientific research shows students need recess. “Research shows that for children in elementary school, it’s critical for them to receive 20 minutes of recess per day,” Browning said. “We don’t think it’s unreasonable. These kids are in school for six to seven hours a day.”

Browning says the clock is ticking for children currently attending school. “We don’t get a second chance to do the right thing for our kids,” Browning said. “We can’t wait for reform in those other areas in order to let our children be children. Time is not on our side where our children are concerned. They grow up in three years, it’s going to be too late for my kids.”

High Stakes to Blame?

Cortes says he doesn’t buy into the excuse he’s heard that there is no time for recess because teachers have to prepare students for rigorous standardized testing. “We believe they do have the time [for recess],” Cortes said. “Many schools did adopt a recess policy. Many of the counties already have the recess policy in place. There’s also the argument that we have [made]: At what point will kids stop learning because they have so much bottled up inside?”

Browning says money and test scores are at the heart of the issue. “I think they’re living in this culture of fear,” Browning said. “If we give back the 20 minutes of instruction that we took from recess in the first place, our test scores [allegedly] are going to drop, and our school grades are going to fall, and we’re going to lose funding. The stakes that are attached to these tests are high, but there is plenty of flexibility in the school day right now for our kids to get 20 minutes of recess each day.”

Teresa Mull (tmull@heartland.org) is an education research fellow for The Heartland Institute.

THE BARNEY CHARTER SCHOOL INITIATIVE

Hillsdale College is challenging the public education monopoly with its Barney Charter School Initiative.

The initiative supports the launch of K–12 charter schools that provide a rigorous education in the classical liberal arts and sciences. Hillsdale will assist school-founding groups with the charter application process and work to create a comprehensive academic program.

The Barney Charter School Initiative attempts to achieve a more perfect union by giving young Americans a proper liberal and civic education.

To contact the Barney Charter School call 517/437-7341 or email charterschool@hillsdale.edu
Florida District Court Dismisses Teachers Union Lawsuit Opposing Tax Credit Scholarship Program

By Elizabeth BeShears

Florida’s First District Court of Appeal unanimously upheld the legality of the Florida Tax Credit Scholarship Program (FTCSP), dismissing a lawsuit the state’s teachers union and other groups brought against the program.

Florida launched FTCSP in 2001 to provide students of low-income households with scholarships worth up to $5,886 per year to spend on private school tuition. Corporations that donate to the scholarship program receive a tax credit on corporate income and insurance premium taxes. The Tampa Bay Times reported in August participation in FTCSP had hit a “record level.” The program awarded 92,011 scholarships for the 2016–17 school year, “up 17 percent from a year ago, and more than 550 percent from 2005,” the Times reported.

Blaine Amendment Lawsuit Filed

The Florida Education Association (FEA), the state’s largest teachers union, the League of Women Voters of Florida, the NAACP Florida State Conference, and others sued the state in 2014, alleging FTCSP is unconstitutional because it violates the state’s Blaine amendment, which states, “No revenue of the state or any political subdivision or agency thereof shall ever be taken from the public treasury directly or indirectly in aid of ... any sectarian institution.”

The plaintiffs also argued the scholarships violate a constitutional mandate stating “adequate provision shall be made by law for a uniform ... system of free public schools.”

In May 2015, a Leon County Circuit Court judge dismissed the case, ruling the plaintiffs did not have standing to sue because they failed to show FTCSP harmed public education. In August 2016, a three-judge panel affirmed the 2015 ruling, writing in their decision, “Despite arguing that public funds have been diverted from the public school system, [the plaintiffs] make no argument whatsoever that public school funding has actually declined.”

The judges also wrote in their decision, “No funds under the FTCSP are appropriated from the state treasury or from the budget for Florida’s public schools. Rather, all funds received by private schools under the FTCSP come from private, voluntary contributions to [scholarship funding organizations], after a parent or guardian has exercised their choice to enroll their child in a private school.”

The plaintiffs have not announced whether they will appeal the ruling to the Florida Supreme Court.

Victory ‘Not Surprising’

Leslie Hiner, vice president of programs for EdChoice, formerly the Friedman Foundation for Education Choice, says tax credit scholarship programs have typically been upheld by courts.

“In tax credit scholarships, we have a strong record of winning in the courts, so Florida follows a line of other successfully litigated cases,” Hiner said. “From that standpoint, it’s actually not surprising that we have a good victory. Going forward, this should signal to other states that might [not only] be pursuing tax credit scholarships but other types of school choice as well that proponents of school choice have the winning track record in the courts. The [state] constitutions actually are on our side.”

‘Fighting Against Parents’

Hiner says school choice opponents are not interested in doing what is best for parents and their children.

“Anyone who is fighting against school choice is fighting against the parents and their right to do what is best for their own children. The teachers union is simply trying to keep their own power, their own money they collect, and that is not in the best interest of parents or children.”

Hiner says the teachers union’s lawsuit, brought 13 years after FTCSP went into effect, could harm thousands of children.

“Today, 100,000 children are benefitting from these scholarships, and now [the teachers union] steps in to try to kick those kids to the curb, try to kick them out of this opportunity they’re enjoying where they’re learning.” Hiner said. “That action is despicable.”

Possible PR Fallout

Bill Mattox, director of the Marshall Center for Educational Options at the James Madison Institute in Florida, says the public relations damage done by FEA’s campaign against FTCSP may undermine the union’s support from the public.

“What has been especially interesting about this is that the response to the lawsuit has so elevated the issue of school choice, and done so in ways that are constructive to our side and damaging to the unions, that I could see them saying they need to cut their losses, because if this continues, they may end up in an even weaker position to fight against future legislation,” Mattox said. “I think they’ve been completely blindsided in some respects. I don’t think they anticipated the public relations response in any way. I think they have really been damaged by it.”

Elizabeth BeShears (liz.erob@gmail.com) writes from Trussville, Alabama.
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