


Controversial Policy Group Casts Long K-12 Shadow

By **Andrew Ujifusa**

In nearly 40 years of legislative advocacy, the American Legislative Exchange Council—a free  [Back to Story](#) -market, limited-government group now drawing intense scrutiny for its support of a controversial self-defense law—has had a significant influence in K-12 education through its model legislation and work with state lawmakers to promote such policies as private school vouchers and “parent trigger” laws.

“Education is one of the most important issues that we deal with in ALEC. ... We’ve been very busy in that field,” said Indiana state Rep. David Frizzell, a Republican and the national chairman of the Washington-based group, which boasts some 2,000 state legislator members and nearly 300 corporate and nonprofit financial supporters.

Now, liberal-leaning groups and other opponents see a chance to trim its influence. Their opening: ALEC’s role in promoting “Stand Your Ground” laws on self-defense, the center of debate after a Florida teenager’s shooting death.

ALEC opponents argue that in education and other areas, the group undermines states’ democratic process by letting corporate lobbyists vote on model legislation through vacation-type conferences attended by lawmakers who then use that legislation to shape their own bills.

“The ALEC method, or the ALEC game plan, literally turns these legislators into super-lobbyists,” said Doug Clopp, the deputy director of programs for Common Cause, a Washington-based advocacy group for open government.

The reality is far different, according to Adam Peshek, the director of ALEC’s education task force. He said a large part of ALEC’s role is to be a policy clearinghouse, channeling ideas from a particular state or individual to other states, in legislative form. The group says close to 1,000 bills each year based at least in part on its model legislation are introduced in statehouses, and that an average of about 20 percent become law.

“We’re pretty good at getting stuff on the cusp of when they’re new and innovative ideas,” said Mr. Peshek.

At the same time, ALEC officials argue it is just one policy group attempting to promote education policies that are especially popular in conservative and free-market circles.

Decades of Work

ALEC, which began in 1973, says it works to advance free-market policies that limit the role of government.

The group, which according to recent tax filings had about \$7.2 million in revenues in 2011 and 35 employees, includes state legislators and representatives from various corporations that provide ALEC with funding, such as Johnson & Johnson, Wal-Mart, AT&T, and Koch Cos. Public Sector.

The group is split into task forces co-chaired by public- and private-sector representatives that develop model legislation.

The education task force, for example, has as its public-sector chairman Georgia state Rep. David Casas, and as its private-sector chairwoman Mickey Revenaugh, a co-founder and executive vice president of Baltimore-based Connections Academy, which operates online classes in numerous states. Neither had responded to a request for comment as of press time.

Those task forces approve model legislation for lawmakers to use as they see fit in their states. The task forces meet as one, but the public-sector and private-sector members each have separate vote tallies for resolutions and model legislation.

Over the years, ALEC has crafted legislation on such policies as charter schools, alternative certification for teachers, parent-trigger laws, and vouchers for special-needs children. Those who have worked with ALEC highlight its role in prominent legislation, such as parent-trigger bills, but also say it is often difficult to ascribe a powerful policy idea or all of its progress in a particular state to just one group.

The group also publishes a **“Report Card on American Education”** that grades state education policies based on the strength of their charter school and home-schooling laws, as well as their policies about identifying and retaining effective teachers and whether they provide students with strong private-school-choice options.

The group’s opponents take sharp aim at what they see as the outsize influence of its model legislation.

“From my perspective, the increased attention on ALEC is making it easier to share that story about ALEC’s broader agenda, including its efforts to ... take money out of public schools and put it into private education corporations,” said Lisa Graves, the executive director of the Center for Media and Democracy, based in Madison, Wis.

Her group’s **ALEC Exposed website** lists 69 model education bills and resolutions dealing with issues including private tax-credit scholarships and virtual education.

Mr. Frizzell, ALEC’s national chairman, rejects the idea that state lawmakers would be pressured to adopt the model legislation. “We never have a follow-up and say, ‘Well, you’ve got to pass that’ or anything like that,” he said.

Parent-Trigger Example

On a variety of education issues, ALEC has been either a prime policy influence or part of a constellation of groups pushing a particular policy agenda.

One idea that gained vital strength in part through ALEC’s involvement, but which did not originate with the group, is parent-trigger legislation. Such laws typically allow a school to be restructured or turned into a charter facility if a certain percentage of student parents vote to do so.

The history of such laws also illustrates how an idea was cross-pollinated—from a veteran player in Democratic politics to conservative policy analysts, to ALEC, to state lawmakers, and finally to laws put on the books.

Bruno Behrend, the director of the Center for Transforming Education at the Heartland Institute, a conservative Chicago think tank, said Heartland first picked up the idea when Heartland’s president and chief executive officer, Joseph Bast, met liberal activist Ben Austin in California in early 2010 and was captivated by Mr. Austin’s description of the parent-trigger concept. (The law passed in California that year.)

Mr. Austin is the executive director of Parent Revolution, which pushes parent-trigger laws. (The group receives funding from the Walton Family Foundation, which also helps support *Education Week’s* coverage of parent-empowerment issues.)

“We loved the idea, that it was coming from someone on the progressive side of the aisle,” said Mr. Behrend.

Mr. Bast brought the idea back to Heartland, which put together a policy proposal centered on a parent trigger. Heartland then presented the proposal to ALEC, which in turn created **model legislation for a**

parent-trigger law, Mr. Behrend recalled. He said that model bill, sometimes with variations, ended up appearing in about 10 to 15 states.

Besides California, where the parent trigger originated, and Connecticut, which passed a law in early 2010, five states had passed parent-trigger laws in various forms between January 2011, when ALEC approved model parent-trigger legislation, and February of this year, **according to the National Conference of State Legislatures**. More than 20 have considered such laws. (Louisiana subsequently adopted a parent-trigger in this month.)

"We hope that we were instrumental in getting legislation passed," Mr. Peshek said.

But the states that have passed such laws haven't necessarily used ALEC's language, or all of its proposals.

For example, the ALEC bill lists the options as converting the school into a charter or putting it under an education management organization, closing the school, or supplying students at a school with a tuition voucher. Some states where parent-trigger laws have passed, such as Indiana and Mississippi, only allow a conversion to a charter school, while others turn the school over to the state. Ohio's bill, which applies only to its Columbus schools, allows for "any other major restructuring."

Like the ALEC model bill, the parent-trigger laws on the books in Indiana and Texas don't require public hearings, while Mississippi follows the ALEC model in not specifically allowing a local school board any authority over how a school is changed.

On the other hand, *The Star-Ledger of Newark, N.J.*, **reported this month** that a New Jersey parent-trigger bill from an ALEC member contained a provision that almost exactly mirrored ALEC's funding levels for vouchers, as well as the same timeline for the parents' requested conversion to be implemented.

Legislation on Choice

In Indiana, meanwhile, the **latest charter school law**, passed in 2011, shares some language with the "Next Generation Charter Schools Act," which is **ALEC model legislation posted** by the Washington-based Center for Education Reform on its website.

For example, the model bill outlines the creation of charter school authorizers such as the board of trustees of a two- or four-year institution of higher education, or a public charter school state board with members selected by the governor.

Both proposals are included in Indiana's 2011 charter law, which was co-sponsored by the chairman of the education committee of the state House, Rep. Robert Behning, a Republican.

"I am certain that some of that information from ALEC filtered into Indiana as well," Mr. Frizzell said, referring to its charter school and school choice policies.

But he denied that Behning simply introduced ALEC model bills as proposed legislation.

In terms of legislative genealogy, Florida can ultimately claim credit for about six or seven model ALEC bills on issues such as 3rd grade retention, alternative teaching certification, and virtual education, Mr. Peshek said. They followed in the footsteps of various K-12 measures under former Gov. Jeb Bush, a Republican, who pushes the same proposals through his own nonprofit, the Foundation for Excellence in Education.

ALEC's "report card" on education this year was written by staff members of Mr. Bush's foundation and the Goldwater Institute, a Phoenix-based think tank, while its foreword is by Republican Gov. Mitch Daniels of Indiana.

Mr. Frizzell argued it would be "silly" for pro-business lawmakers to introduce pro-business legislation without consulting businesses. But he also said that ALEC members representing education companies, such

as Ms. Revenaugh's, did not have carte blanche concerning ALEC's education agenda, since ALEC's board of directors, consisting only of state legislators, has final say on model bills approved by task forces.

'Stand Your Ground'

ALEC has received a new level of exposure in recent weeks for its model "Stand Your Ground" legislation, which permits people to use force in self-defense if they have reason to believe they are being threatened, without a duty to retreat first. Such laws have become a central point of contention in the fatal shooting of 17-year-old Trayvon Martin in Sanford, Fla., in February.

Efforts by liberal groups such as Color of Change to force corporate backers of ALEC to withdraw support with threats of boycotts have been followed by decisions by numerous companies, such as Coca-Cola, Intuit, and McDonald's, to sever their ALEC ties.

Meanwhile, the Seattle-based Bill & Melinda Gates Foundation, which currently provides grant money to ALEC, said it will not make future grants to the group, although it will not stop payment of its current \$376,000 grant to help educate legislators on more "efficient" budget approaches and on evaluating teachers based on student achievement. The grant was given in November and runs for a year and 10 months.

Chris Williams, a Gates Foundation spokesman, did not say that ALEC's association with "Stand Your Ground" laws led directly to Gates' decision not to make future grants. "The environment ... is no longer conducive to working together," Mr. Williams said.

The Indianapolis-based Lumina Foundation, which focuses on higher education achievement, has not decided if it will award future grants to ALEC, after awarding two grants totaling \$595,000, including one that expires May 31, a spokeswoman said.

(The Gates and Lumina foundations also provide grant support for *Education Week*.)

Philosophical Partners

Regardless of its influence, ALEC is far from the only way to spread ideas from and between conservative policy shops.

Jonathan Butcher, the education director at the Goldwater Institute, noted that New Hampshire officials talked with the institute several times about implementing tax-credit scholarships.

In terms of other groups that influence policy, he cited the **State Policy Network**, an association of about 60 policy-research institutes and centers that push for "market-friendly public policy at the state and local levels." ALEC is also listed as one of dozens of separate "associate members" in the network.

But Ed Muir, a deputy director of research at the American Federation of Teachers, called ALEC the "spearpoint" of a larger conservative policy network. Combined with ALEC's position on immigration and taxes, Mr. Muir argued, "the macro effect is anti-child."

Paul Peterson, the director of the Program on Education Policy and Governance at Harvard University, who is also editor-in-chief of *Education Next*, a journal that publishes research and opinion on education issues, said ALEC is ultimately just part of the "pluralist heaven" of the American political process.

Mr. Peterson, whose journal has published articles supporting school vouchers and charters, sees ALEC as part of a wide

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spectrum that includes teachers serving in state legislatures and the deep influence unions exert on some lawmakers.

"I don't see anything here that is not totally pervasive in American politics," Mr. Peterson said.

Denise Roth Barber, the managing director of the Helena, Mont.-based National Institute on Money in State Politics, said that "in a way, ALEC exists because of the vacuum of citizen involvement." The group also has some ideological counterweights, she said, among them the **Progressive States Network**, based in New York City.

But the deep pockets of ALEC's member corporations instill more fear among liberals, she said.

Controversy over the group continues—with some impact. On April 17, **ALEC announced** it would shutter its task force on public safety and elections, which had produced model "Stand Your Ground" legislation.

But speaking of a possible broader outcry against ALEC education priorities, Mr. Peshek, the group's education task force director, said: "The only thing we can do is keep going out there and keep doing what we're doing. I think it will go away."