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ALEC's Schoolhouse Rock

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By *Brendan Fischer*, August 2013 Issue

Indiana Schools Superintendent Tony Bennett was the darling of the education reform movement. In the 2011-2012 legislative session, Bennett and Governor Mitch Daniels created the country's largest school voucher program, enacted rigid teacher evaluation requirements, and imposed school grading systems, in many cases using "model legislation" from their friends at the American Legislative Exchange Council (ALEC).

Bennett was featured on "Education Reform Idol," a campy takeoff of *American Idol* organized by the Thomas B. Fordham Institute, a think tank that has worked closely with ALEC on education issues.

"I'm not going to be self-deprecating here," he said during his remarks at the contest, boasting, "I feel like Larry Bird at a three-point shooting contest . . . [who] walked into the locker room and said, 'I'm here to see who is going to finish second.'"



He was right: At the conclusion of the event, the Fordham Institute approvingly named Indiana "the Reformiest State of 2011."

Bennett was a featured speaker at ALEC's December 2011 States and Nation Policy Summit, and Indiana's omnibus education reforms were adopted by ALEC as a stand-alone bill called the "Indiana Education Reform Package."

"This act incorporates several of the key reforms the Legislature passed, some of which are similar to existing ALEC model legislation," the package states.

Bennett delivered the keynote address at the 2012 conference of the American Federation for Children, which is an ALEC member. Bennett received the "John T. Walton award," named for the Walmart heir who poured millions into the effort to privatize the American public education system to benefit for-profit firms.

When his 2012 reelection campaign rolled around, the support kept rolling in.

Bennett raised an astonishing amount of money from school privatization supporters around the country, including \$200,000 from Alice Walton (who leads the pro-privatization Walton Family Foundation), \$75,000 from charter school operator Christel DeHaan, and \$45,000 from the Hoosiers for Economic Growth, which is backed by the American Federation for Children.

But the 2012 election itself was no victory lap.

Even though Bennett massively outraised his Democratic opponent, voters in conservative Indiana cast their ballots against Bennett and his for-profit schools agenda, despite electing Republicans in all other statewide elections. The head of the state teachers' union called it the biggest political upset in Indiana history.

Michael Petrilli, executive vice president of the Fordham Institute—sponsor of "Education Reform Idol"—was blunt about the significance of the election: "If this is a referendum on the Indiana reforms that were passed, this doesn't look good."

Indiana was no anomaly.

In Wisconsin, superintendent of schools Tony Evers ran on an anti-privatization platform and won handily over his Republican challenger, Representative Don Pridemore, an ALEC member and school privatization cheerleader.

"Today's election offered voters a crystal clear choice between two very different philosophies about education," Evers declared on election night. "Voters spoke loudly and clearly, affirming their commitment to Wisconsin's strong public schools and calling for a much-needed reinvestment to support the over 870,000 public school kids in our state."

Given the choice, voters have consistently rejected the education privatization agenda advanced by groups like ALEC. In the twenty-seven statewide referendums held between 1996 through 2007 on vouchers, for example, voters rejected the siphoning off of taxpayer funds to benefit private schools

by about two to one.

But those seeking to radically change America's public education system are not leaving the future of their crusade to the will of the people. And ALEC has provided an effective avenue for the school privatization crowd to bypass democracy altogether.

Despite widespread public opposition to the education privatization agenda, at least 139 bills or budget provisions reflecting ALEC education bills have been introduced in forty-three states and the District of Columbia in just the first six months of 2013, according to an analysis by the Center for Media and Democracy (publishers of [alecexposed.org](http://www.alecexposed.org) (<http://www.alecexposed.org>)). Thirty-one have become law, and others are awaiting the governor's signature.

The fact that these bills continue to move is proof of ALEC's unique ability to promote an extreme education privatization agenda, regardless of the people's democratic preferences. ALEC has been promoting various forms of school privatization since the early 1980s, and ALEC member Tommy Thompson, Wisconsin's former governor, implemented the first city-wide school voucher scheme for Milwaukee in 1990.

When the Center for Media and Democracy published [alecexposed.org](http://www.alecexposed.org) (<http://www.alecexposed.org>) in 2011, the pro-privatization education bills were among the largest stacks requiring analysis.

ALEC might best be described as a "corporate bill mill" that helps conservative state legislators become a vessel for advancing special interest legislation. The public and press are barred from ALEC meetings, where legislators are "educated" on the ALEC agenda, handed bills that advance a corporatist platform, and wined and dined by lobbyists promoting those bills. Average citizens can have nowhere near the same level of access or influence. By the time legislators return to their states, armed with talking points and convinced of the righteousness of the ALEC cause, they become "superlobbyists" for the special interest agenda.



ALEC members include an array of education privatizers like Rupert Murdoch, who has called the for-profit K-12 education industry "a \$500 billion sector in the U.S. alone that is waiting desperately to be transformed" and whose News Corp sits on the ALEC Education Task Force. In addition to owning an educational testing firm, Murdoch hopes to promote a new high-tech tablet to cash in on the Common Core curriculum.

Other ALEC members include pro-privatization groups like the American Federation for Children, which is backed by millions from the DeVos family (heirs to the Amway fortune), and an array of rightwing think tanks that see education reform as a way to attack both teachers' unions and public institutions.

ALEC-influenced bills introduced in 2013 include legislation to create or expand taxpayer-funded voucher programs (the "Great Schools Tax Credit Act" introduced in seven states, and the "Parental Choice Scholarship Act" introduced in three others), voucher carveouts for students with special needs (the "Special Needs Scholarship Program Act," introduced in twelve states), reliance on "digital education" (the "Virtual Schools Act," introduced in three states), and giving teaching credentials to individuals with subject-matter expertise but no education background (the "Alternative Certification Act," introduced in seven states).

North Carolina, which after the 2012 elections came under complete Republican control for the first time in more than 100 years, has become the latest testing ground for the ALEC agenda, just like Scott Walker's Wisconsin two years earlier. North Carolina Republicans rolled a voucher program into the state budget that would use \$50 million of public funds to send students to private and religious schools (reflecting the ALEC Parental Choice Scholarship Act). This is despite weeks of "Moral Mondays" protest over Republicans imposing the ALEC agenda on the state.

ALEC-inspired bills have not done well when subjected to the will of the people. But Julie Mead, chair of Educational Leadership and Policy Analysis at the University of Wisconsin, says that the education privatization agenda itself shows a certain hostility to democracy.

This is perhaps little surprise given ALEC's role in spreading restrictive voter ID laws and a variety of bills to thwart the will of local voters on everything from GMO bans to paid sick days.

The ALEC agenda, Mead says, "converts a public good into something private." Private schools "don't have the same responsibility [as public schools] to serve everybody, which diminishes public access." They also "retain public funding, but with little public oversight and limited accountability," she says.

For example, the Great Schools Tax Credit Act, already law in fifteen states, offers a form of private school tuition tax credits that University of Colorado-Boulder Professor Kevin Welner has termed "neo-vouchers." The tax credit model provides a way to funnel taxpayer dollars to private schools with even less public accountability than with regular vouchers, and to bypass constitutional provisions that have stood in the way of some traditional voucher programs in some states.

These neo-vouchers allow an individual or corporation to donate to a nonprofit "school tuition organization," and the nonprofit pays for the student's tuition. The donor then gets a tax credit for the contribution, in some cases amounting to a 100 percent reimbursement when federal charitable deductions are counted—meaning the "donation" is really just a way for individuals and corporations to reroute their tax dollars to a private institution.

Using taxpayer funds to support private schools doesn't poll well, so advocates insist that these modified neo-vouchers are not vouchers at all. Welner disagrees. A targeted tax credit is just spending under a different name, he says.

These tax credit scholarship programs are growing much more quickly than traditional vouchers. As of 2010, around 70,000 students were receiving vouchers, but 100,000 across the country were using neo-vouchers.

In addition to helping advocates "get around the unpopularity of vouchers," Welner says, tax credits also help privatization advocates circumvent state constitutions.



Although the U.S. Supreme Court has held that traditional vouchers don't violate the U.S. Constitution's Establishment Clause, many state constitutions require a more stringent separation of church and state, and state supreme courts have found that vouchers represent an unconstitutional allocation of public funds to religious institutions.

Neo-vouchers help states sidestep this Establishment Clause issue.

"Their claim is that because the money never makes its way into the state general fund, it is therefore not an expenditure of state money, and therefore the [constitutional] provisions don't apply," Welner says, noting that tax credits are considered expenditures in most other contexts.

This tax credit model has been less susceptible to legal challenge than traditional vouchers, but their constitutionality is by no means settled: In 2011, a divided U.S. Supreme Court rejected a challenge to neo-vouchers on grounds that Arizona residents did not have a right to sue, but declined to confront the question of whether neo-vouchers violated the Establishment Clause.

"It is certainly troubling that the entire system is designed to subvert clear constitutional language," Welner says.

Neo-vouchers have also attracted significant support from small government organizations like the Cato Institute and Mackinac Center, since the tax credit programs require even less public oversight than traditional vouchers.

Private schools receiving traditional vouchers have fewer accountability requirements than public schools, but still must meet basic performance standards in order to qualify for tuition reimbursement from the state. But schools participating in neo-voucher programs have almost no accountability: Because they don't get money directly from the state, the schools largely escape state regulation.

Neo-vouchers constitute "deregulation of a deregulatory policy," Welner says, and this fits into the long-term strategy of groups like Cato to dismantle social programs and public institutions. In their view, Welner says, "public education is one of last vestiges of socialism in America, and they want to get rid of it."

"There is no secret about their intentions," he says.

Other ALEC bills moving this year also limit democratic accountability.

The ALEC Next Generation Charter Schools Act creates an appointed board at the state level to authorize charter schools, which effectively shields charters from democratic accountability. The legislation "would wrest control from school boards, and likewise from the community that elects those school boards," Mead says, since it takes away their power to authorize charters in the community. Versions of this bill were introduced in eight states in 2013 and became law in four.

Local school boards (and in some states the superintendent) are elected by voters, but an independent charter school authorizer has no such accountability. "This means the publicly funded charter schools are completely shielded from voter input," Mead says.

"The local school district has a vested interest in the kids enrolled in charter schools, particularly because [students] will come back into the public school system if the charter is inadequate," says Michael Resnick of the National School Board Association. If that happens, "the public school is then held accountable for [the student's] performance, regardless of what academic disturbance might have occurred in the charter."

If a charter school proposal is rejected by a community and its school board, it could move on to the unelected independent authorizer for approval.

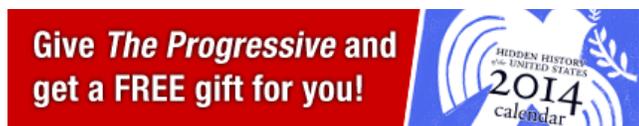
Another ALEC bill that is sold as a way of "empowering parents" is the Parent Trigger Act, which allows parents to vote via referendum to seize control of their public schools and fire the teachers and principal, or privatize the schools. Twelve states considered parent trigger proposals in 2013; seven others already have the laws on the books. First passed in California, a modified Parent Trigger bill was brought to ALEC in 2010 by the Illinois-based Heartland Institute, which is perhaps best known for controversial billboards comparing people who believe in climate change to mass murderers like the Unabomber Ted Kaczynski.

Parent Triggers are presented as a grassroots way to give parents control, "but that presupposes there aren't any interests trying to cajole parents into making that decision," Mead says. "For-profit interests can come into a community, send paid staffers to go door-to-door, and urge people to sign a

petition, which some parents sign without fully understanding its import."

Once the "trigger" is pulled and a school is converted to a privately run charter, there is no way to unpull it, Mead says. "In the meantime, private interests have permanently taken over."

Brendan Fischer is the general counsel for the Madison-based Center for Media and Democracy. You can see a full list of recent ALEC education bills at [ALEC2013.sourcewatch.org](http://www.ALEC2013.sourcewatch.org) (<http://www.ALEC2013.sourcewatch.org>). ALEC is celebrating its fortieth anniversary at the Palmer House in Chicago on August 7-9. Protesters will be out in force to greet the corporate lobbyists and their rightwing legislators. Go to [alecexposed.org](http://www.alecexposed.org) (<http://www.alecexposed.org>) to see how you can join in the fun.



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Kathleen Canavan · Works at Pinellas County Schools

My favorite part: "The local school district has a vested interest in the kids enrolled in charter schools, particularly because [students] will come back into the public school system if the charter is inadequate," says Michael Resnick of the National School Board Association. If that happens, "the public school is then held accountable for [the student's] performance, regardless of what academic disturbance might have occurred in the charter."

Reminds me of the poor girl who came to my third grade after her charter was closed and the principal charged with fraud. She could not "identify" the number 300, but she had been "dancing" for the last year and really didn't like the idea of doing "work" :(

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These are very sick people, and they must be stopped. They despise the fact that the great majority of educators hate fascism and the right wing American agenda - else they wouldn't be involved in trying to educate people.

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These mindless corporate whores invented the "Texas School Board Education System" for one reason alone. They want to keep your children as ignorant as they can!

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DIANE RAVITCH COMES TO MADISON NOV. 14



Save Our Public Schools!

Diane Ravitch, one of the leading defenders of public education in America, will be speaking at the Orpheum Theater at 216 State St.

After her talk, she will sign copies of her latest book, *Reign of Error: The Hoax of the Privatization Movement and the Danger to America’s Public Schools*.

And you can join a networking event for public school activists beforehand at 6:30 p.m. in the Orpheum lobby.

This event is sponsored by *The Progressive* magazine and Edgewood College, and it’s co-sponsored by MTI, WEAC, Midwest Family Broadcasting, and the citizens’ group Progressive Partners.

Suggested donation: \$5-\$10. For tickets, please ask Andrea Potter at andrap@progressive.org, or 608-257-4626.

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