



A smart ALEC threatens public education

Coordinated efforts to introduce model legislation aimed at defunding and dismantling public schools is the signature work of this conservative organization.

By Julie Underwood and Julie F. Mead

A legislative contagion seemed to sweep across the Midwest during the early months of 2011. First, Wisconsin legislators wanted to strip public employees of the right to bargain. Then, Indiana legislators got into the act. Then, it was Ohio. In each case, Republican governors and Republican-controlled state legislatures had introduced substantially similar bills that sought sweeping changes to each state's collective bargaining statutes and various school funding provisions.

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What was going on? How could elected officials in multiple states suddenly introduce essentially the same legislation?

The answer: The American Legislative Exchange Council (ALEC). Its self-described legislative approach to education reads:

Across the country for the past two decades, education reform efforts have popped up in legislatures at different times in different places. As a result, teachers' unions have been playing something akin to "whack-a-mole" — you know the game — striking down as many education reform efforts as possible. Many times, the unions successfully "whack" the "mole," i.e., the reform legislation. Sometimes, however, they miss. If all the moles pop up at once, there is no way the person with the mallet can get them all. Introduce comprehensive reform packages. (Ladner, LeFevre, & Lips, 2010, p. 108)

ALEC's own "whack-a-mole" strategy also reveals the group's ultimate goal. Every gardener who has ever had to deal with a mole knows that the animals undermine and ultimately destroy a garden. ALEC's positions on various education issues make it clear that the organization seeks to undermine public education by systematically defunding and ultimately destroying public education as we know it.

What is ALEC?

Technically, ALEC (www.alec.org) is a nonprofit organization based in Washington, D.C. It describes itself as a nonpartisan membership organization for those who share a common belief in "limited government, free markets, federalism, and individual liberty" (www.alec.org/about-alec). More than 2,000 state lawmakers pay ALEC \$100 for a two-year membership. While listed as nonpartisan, ALEC's members definitely skew to the conservative end of the political spectrum. For example, of the 114 listed members of the group's Education Task Force, 108 are Republicans, and only six are Democrats.

Corporations, foundations, and "think tanks" can join ALEC, too. They pay up to \$25,000 in yearly dues and can spend more to sponsor the council's meetings. Corporate members can also donate to each state's scholarship fund, which reimburses legislators who travel to meetings. The scholarships can exceed the amount of a legislator's dues. Corporate members also can pay from \$3,000 to \$10,000 for a seat on a task force.

ALEC operates through nine task forces, each cochaired by a corporate member and a legislative member. Task forces are divided by subject and bring together conservative policy makers with corporate leaders to develop model legislation. In order for a proposal to become model legislation, both the public and private sides of the committee must

agree — granting considerable power to the corporate side. Elected officials then take the model bills back to their states to introduce them as their own. Only legislators who are members may access the model legislation (http://www.alec.org/wp-content/uploads/2011_legislative_brochure.pdf). It is a very efficient mechanism for corporations to exercise political power — and they have.

ALEC in Tennessee

Recent legislation in Tennessee provides a vivid example. ALEC created and provided members its model Virtual Public Schools Act. Two large for-profit corporate providers of virtual education, Connections Academy and K-12 Inc., had heavy involvement with the model bill's creation. Mickey Revenaugh, a lobbyist for Connections Academy, was the corporate chair of ALEC's Education Task Force and Lisa Gillis, with K-12 Inc., chaired its special needs education subcommittee that created the bill. Tennessee's State Rep. Harry Brooks and State Sen. Dolores Gresham, both ALEC Education Task Force members, introduced the bill to their respective houses nearly verbatim, even using the same title. For example, the following passage forms the preamble of the adopted statute. Underlined portions were taken directly from ALEC's model.

WHEREAS, meeting the educational needs of children in our state's schools is of the greatest importance to the future welfare of Tennessee; and

WHEREAS, closing the achievement gap between high-performing students, including the gap between minority and nonminority students and between economically disadvantaged students and their more advantaged peers, is a significant and present challenge; and

WHEREAS, providing a broader range of educational options to parents and utilizing existing resources, along with technology, may help students in our state improve their academic achievement; and

WHEREAS, many of our school districts currently lack the capacity to provide other public school choices for students whose schools are low performing; now, therefore

The purpose of this part is to provide an LEA with an alternative choice to offer additional educational resources in an effort to improve academic achievement. (Virtual Public Schools Act, 2011).

The bill passed both houses on a party-line vote

on June 16, 2011. Shortly thereafter, K-12 Inc. — one of the creators of the model legislation — won a no-bid contract from Union County School District to create the Tennessee Virtual Academy and will receive about \$5,300 per student from the state for the 2011-12 school year (Humphrey, 2011). Connections Academy does not yet offer a virtual school in Tennessee, but its web site reports that it “is actively working with parent groups, education officials, and others to launch a school in this state.”

Common throughout the bills are proposals to decrease local control of schools by democratically elected school boards while increasing access to all facets of education to private entities and corporations.

The *Chattanooga Times Free Press* (Sept. 2, 2011) reported that about 2,000 students applied for enrollment in the Tennessee Virtual Academy for fall 2011. Recent reports raise concerns that the program’s popularity with home schoolers may “drain taxpayer funds” while enriching the corporation actively and aggressively recruiting students to enroll (Locker, 2011). Locker also reports that “K-12 Inc. compensated its CEO more than \$2.6 million last year, its chief financial officer more than \$1.7 million, and other top executives several hundred thousand dollars each, according to its latest annual report to shareholders.”

ALEC on education

ALEC’s success in Tennessee is by no means its only incursion into state education policy. ALEC’s interest in education is ambitious and multifaceted, and includes promoting dozens of model acts to its legislative members (Ladner, LeFevre, & Lips, 2010). Proposed bills seek to influence teacher certification, teacher evaluation, collective bargaining, curriculum, funding, special education, student assessment, and numerous other education and education-related issues. Common throughout the bills are proposals to decrease local control of schools by democratically elected school boards while increasing access to all facets of education by private entities and corporations. ALEC’s outlined agenda is to:

Introduce market factors into schools, particularly the teaching profession (Ladner,

LeFevre, & Lips, 2010, p. 82) to be carried out through model legislation such as Alternative Certification Act, Great Teachers and Leaders Act, National Teacher Certification Fairness Act, Public School Union Release Time Act, School Collective Bargaining Agreement Sunshine Act, and Teacher Choice Compensation Act. There’s also a set of proposals (Public School Financial Transparency Act; School Board Freedom to Contract Act) that encourage school districts to outsource their auxiliary services.

Privatize education through vouchers, charters, and tax incentives (Ladner, LeFevre, & Lips, 2010, p. 87) to be carried out through model legislation such as Foster Child Scholarship Program Act, Great Schools Tax Credit, Military Family Scholarship Program Act, Parental Choice Scholarship Accountability Act, Parental Choice Scholarship Program Act (means-tested eligibility), Parental Choice Scholarship Program Act (universal eligibility), Parental Choice Scholarship Program Act (universal eligibility, means-tested scholarship amount), Parental Choice Scholarship Tax Credit Accountability Act, Education Enterprise Zone Act, Smart Start Scholarship Program, Special Needs Scholarship Program Act, Family Education Savings Account Act, Parental Rights Act, Resolution Supporting Private Scholarship Tax Credits, Autism Scholarship Program Act, and Family Education Tax Credit Program Act.

Increase student testing and reporting (Ladner, LeFevre, & Lips, 2010, p. 93) to be carried out through model legislation such as Resolution Supporting the Principles of No Child Left Behind Act, Student Right to Learn Act, Education Accountability Act, Longitudinal Student Growth Act, One to One Reading Improvement Act, and Resolution on Nonverified Science Curriculum Funding.

Reduce the influence of or eliminate local school districts and school boards (Ladner, LeFevre, & Lips, 2010, p. 96) to be carried out through model legislation such as Charter Schools Act, Innovation Schools and School Districts Act, Open Enrollment Act, Virtual Public Schools Act, and Next Generation Charter Schools Act.

ALEC’s special interest in privatization

While ALEC’s forays into education policy are broad, privatization of public education has been a long-standing ALEC objective. As early as 1985,

ALEC's motivation for privatization was made clear (Barrett, 1985).

As schools became larger and society more mobile, teachers and superintendents grew further removed from parents and, all too frequently, from the students themselves. Policies dictated from state capitals and Washington, D.C., placed burdens on public schools to compensate for economic disadvantages in family backgrounds and overcome centuries-old prejudices, to confer equality on youngsters with physical or mental handicaps, and to transmit our common culture while preserving each of its diverse elements. As a result, public schools were forced to meet all of the needs of all the people without pleasing anyone. (Barrett, 1985, p. 7)

By elevating parental choice over all other values, the ALEC push for privatization supports schools that can be segregated by academic ability and disability, ethnicity, economics, language, and culture.

In response, ALEC offered model legislation to “foster educational freedom and quality” through privatization (Barrett, 1985, p. 8). Privatization takes multiple forms: vouchers, tax incentives for sending children to private schools, and charter schools operated by for-profit entities.

Today, ALEC calls this approach “choice” and renames vouchers “scholarships,” but its aim is clear: Defund and dismantle public schools. While many other right-wing organizations support this agenda, ALEC is the mechanism for implementing it through its many pieces of model legislation that propose legislative methods for defunding public schools, particularly low-income, urban schools.

The motivation for dismantling the public education system — creating a system where schools do not provide for everyone — is ideological, and it is motivated by profit. The corporate members on ALEC's education task force include representatives from the Friedman Foundation, Goldwater Institute, Evergreen Education Group, Washington Policy Center, and corporations providing education services such as Sylvan Learning and K-12, Inc. All stand to benefit from public funding sent in their direction.

The first large-scale voucher program, the Milwaukee Parental Choice Program, was enacted in

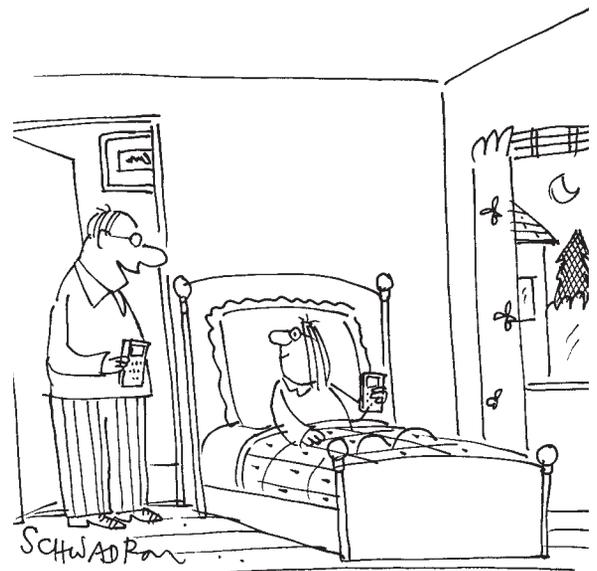
1990. Although the Milwaukee voucher program had the backing of leaders from other philosophic camps, including Howard Fuller, a former superintendent of Milwaukee Public Schools and current board member of Black Alliance for Educational Options, the legislation was modeled after the rubric ALEC provided in its 1985 *Education Source Book*. ALEC's hand in this program continues. In 2011, one of the ultimately defeated amendments to the Milwaukee program proposed removing all income requirements for participating students, a proposal laid out in ALEC's Parental Choice Scholarship Program Act (universal eligibility) and a step toward a full-scale state voucher program.

In fact, to help states advance school choice without running afoul of state constitutional limitations, ALEC published *School Choice and State Constitutions* (Komer & Neily, 2007) to provide a state-by-state analysis and promote programs tailored to foster privatization. Since then, a number of states have adopted the ALEC recommendations. For example:

Arizona: Vouchers for foster children, special education vouchers, and tax credits;

Indiana: Means-tested vouchers, special education vouchers, tax deductions for private school tuition and home-schooling expenses, and tax credits;

Georgia: Special education vouchers and the newer ALEC proposal — tax incentives for contributions to scholarship-granting organizations;



“Good night, dear. Text me if you need anything.”

Louisiana: Tax deductions for private school tuition and home-schooling expenses, means-tested vouchers, special education vouchers; and

Oklahoma: Tax credits, special education vouchers, and the newer ALEC proposal — the tax incentives for contributions to scholarship-granting organizations.

By elevating parental choice over all other values, the ALEC push for privatization supports schools that can be segregated by academic ability and disability, ethnicity, economics, language, and culture. They would be the natural outgrowth of parents' unfettered choices in a free-market system. Increased racial isolation would likely result, exacerbating current trends toward resegregation (Orfield & Lee, 2007). In addition, as seen in Tennessee, a fully realized ALEC agenda would undoubtedly result in more public education dollars bolstering the balance sheets of for-profit education vendors.

Identifying ALEC's influence

Returning to the protests that rocked our state and others, it became clear that ALEC had significant influence on the contested provisions. As Rogers and Dresser (2011) document, proposals in Wisconsin and other states were drawn from several ALEC legislative models, including the "Right to Work Act [that] eliminates employee obligation to pay the costs of collective bargaining; the Public Employee Freedom Act [that] bars almost any action to induce it; the Public Employer Payroll Deduction Act [that] bars automatic dues collection; [and] the Voluntary Contribution Act [that] bars the use of dues for political activity."

Does ALEC's influence build or undermine democracy?

Whether you believe that ALEC has the issues right or wrong, the organization clearly wields considerable power and influence over state education policy. But perhaps by boldly sending so many "moles" to legislative surfaces all at once, ALEC has permitted those concerned with the influence of corporate interests on public education to awaken to its strategy. From now on, champions of public education have a new set of questions to ask whenever legislation is introduced:

- Is the sponsor a member of ALEC?
- Does the bill borrow from ALEC model legislation?
- What corporations had a hand in drafting the legislation?
- What interests would benefit or even profit from its passage?

Ultimately, however, the most important question we must all ask is whether ALEC's influence builds or undermines democracy.

Certain public institutions — courts, legislatures, fire protection, police departments, and yes, schools — must remain public to serve a democratic society. Through public education we have expressed and expanded our shared public values. As Benjamin Barber (1997) states, "Public schools are not merely schools for the public, but schools of publicness: institutions where we learn what it means to be a public and start down the road toward common national and civic identity" (p. 22).

What happens to our democracy when we return to an educational system where access is defined by corporate interest and divided by class, language, ability, race, and religion? In a push to free-market education, who pays in the end? **K**

References

- Barber, B. (1997). Public schooling: Education for democracy. In J.I. Goodlad & T.J. McMannon (Eds.), *The public purpose of education and schooling* (pp. 21-32). San Francisco, CA: Jossey-Bass.
- Barrett, N. (1985). *Education source book: The state legislators' guide for reform*. Washington, DC: American Legislative Exchange Council.
- Humphrey, T. (2011, August 15). TN Virtual Academy builds enrollment controversy. *Humphrey on the Hill*. (Web log post). <http://blogs.knoxnews.com/humphrey/2011/08/tn-virtual-academy-builds-enro.html>
- Komer, R. & Neily, C. (2007). *School choice and state constitutions: A guide to designing school choice programs*. Washington, DC: Institute for Justice and American Legislative Exchange Council.
- Ladner, M., LeFevre, A., & Lips, D. (2010). *Report card on American education: Ranking state K-12 performance, progress, and reform* (16th ed.). Washington, DC: American Legislative Exchange Council.
- Locker, R. (2011, September 24). Virtual school in Tennessee may drain taxpayer funds. *The Commercial Appeal*.
- Virtual Public Schools Act, Tennessee House Bill No. 1030. (2011).
- Orfield, G. & Lee, C. (2007). *Historic reversals, accelerating resegregation and the need for new integration strategies*. Los Angeles, CA: Civil Rights Project.
- Rogers, J. & Dresser, L. (2011, July 12). ALEC exposed: Business domination Inc. *The Nation*.
- "Virtual school" hits enrollment hiccup. (2011, September 2). *The Chattanooga Times Free Press*.