



The Washington Flyer
July 27, 2012

If we ever forget that we are One Nation Under God, then we will be a nation gone under.
Ronald Reagan

Education Department Grants Additional NCLB Waivers

Since 2007, Members of Congress have failed to craft an acceptable Elementary and Secondary Education Act (formerly No Child Left Behind) reauthorization proposal. In the absence of reauthorization, state education officials have clamored for relief from some of the more onerous provisions of NCLB which include punitive actions for schools that fail to meet the unattainable 100% proficiency reading and math requirements. Since February, the Department of Education has offered NCLB waiver relief to states that craft reform proposals which include “college and career ready” standards, teacher quality improvement measures, and a focus on including underserved populations. Despite [opposition](#) from some groups that the waivers circumvent the proper legislative process, the Department of Education [granted](#) seven additional waiver requests on July 19 for the following states and the District of Columbia: Arizona, Kansas, Michigan, Mississippi, Oregon, and South Carolina. Currently, 32 states have received relief while 13 states have yet to apply for waivers.

Senate Holds Hearing on Controversial Bill

Earlier this month, the Senate Health, Education, Labor and Pensions committee held a hearing “Beyond Seclusion and Restraint: Creating Positive Learning Environments for All Students.” In 2009, similar [legislation](#) was introduced in the House, but was met with a hailstorm of criticism after the discovery of several overreaching provisions that would have infringed on the autonomy of private schools and unnecessarily prohibited routine disciplinary actions. Restraint and seclusion methods are generally employed when school officials believe that a student poses a danger to himself or others. In most cases, the student in question has special needs and subsequently has difficulty appropriately controlling or expressing himself. In the wake of abuse allegations and, in some cases, death as a result of the improper use of restraint and seclusion by school officials, Members have introduced several legislative corrections to curb improper use of the practice. Unfortunately, several provisions effectively tie the hands of teachers by banning innocuous practices such as asking a student to step into a hall for a conversation. Experts at the recent Senate hearing suggested that the solution to the problem lies in improved teacher training and alternative methods. Strategies such as positive reinforcement for students who are able to recognize stressors and manage their reactions and “snoezelen” rooms (rooms with soft lighting and calming interiors) were suggested as possible alternatives. Witnesses cited budget cuts, heavier workloads, and a focus on test scores as the source of insufficient educator training. The majority of education pundits agree that the Senate bill is inherently flawed and is overly broad. Several lawmakers have sought to include the measure in the reauthorization of the Elementary and Secondary Education Act.

Renewed Calls to Investigate Planned Parenthood

Pro-life groups have long maintained that Planned Parenthood, the nation’s largest abortion provider, should not receive over \$363 million dollars in taxpayer funding and should be investigated for a

laundry list of abuses in several states. In 2010 alone, the organization ended the lives of 329, 445 unborn children. Last Friday, Tonya Reaves hemorrhaged to death after a botched abortion at an Illinois Planned Parenthood clinic. Reaves' identical twin sister along with other family members are seeking answers about the death of their loved one. Planned Parenthood of Illinois issued an apology statement that touted the "high safety record" of abortions and cited privacy laws that prohibit the release of patient information. Meanwhile in Congress, Rep. Cliff Stearns, who launched an investigation of Planned Parenthood earlier in the year, stated, "I would like to find out how they spend our half a billion dollars, and I would also like to explore some of the safety aspects, particularly in light of this death, of this tragedy." Since 2011, nine states have cut funding to the group by over \$61 million dollars. The Obama Administration, which is a strong supporter of the group, has directly funded the group in at least three of the states which chose to stop funding the group. To read more about this issue, [click here](#).

HHS Mandate Court Case

On Wednesday, a federal district court Judge heard the *Newland v. Sebelius* case that will determine whether religious, third generation business owners have to comply with the unconstitutional Health and Human Services mandate in the case. At least twenty-three cases with over fifty plaintiffs have filed suit against the HHS mandate which forces employers to provide free abortion-inducing drugs, contraceptives, and sterilization to their employees or face stiff penalties. The [Alliance Defending Freedom](#), formerly the Alliance Defense Fund, lawyer Matt Bowman stated, "ObamaCare demands that Americans choose between two poison pills: either desert your faith by complying, or resist and be punished. Americans don't want politicians and bureaucrats deciding what faith is, who the faithful are, and where and how that faith may be lived out. Under the Constitution, the government is charged with safeguarding our freedom, not snuffing out the very freedom it is sworn to protect." According to the Administration's arguments in this case, for-profit businesses give up their First Amendment protections when they enter the marketplace and therefore do not qualify for a religious exemption. Since the insurance plan year for the business starts soon, the judge will reveal whether he will issue an injunction this Friday.

D.C. Pain-Capable Unborn Child Protection Act

The National Right to Life and other pro-life groups are urging Congress to vote on the District of Columbia Pain-Capable Unborn Child Protection Act before the August recess. Currently, the bill, H.R. 3803, has 203 co-sponsors and bipartisan support. As the [Associated Press](#) has noted, the District of Columbia has no restrictions on abortion until the moment of birth. This bill would ban abortions in D.C. after 20 weeks gestation with an exception for cases where the life of the mother is in danger. Research has conclusively shown that babies can feel pain at 20 weeks, and that fact has spurred Rep. Trent Franks to advocate for the passage of this H.R. 3803. In March, the House Judiciary Constitution Subcommittee members heard heartbreaking testimony from a panel of experts about the intense pain a preborn child feels during the dismemberment that occurs during dilation and evacuation (procedure most commonly used during second trimester abortions).

In Case You Missed It:

[Weekly Market Update](#) provided by Jeff Beach of the [AACCS Investment Team at Merrill Lynch](#)

[Lost the Business, but Counting Blessings](#)

[A 'Ramping Up' of Federal Control](#)

[Education Department Hosts 3rd Annual Bullying Prevention Summit](#)



Editor: Maureen Van Den Berg
Staff Writer: Courtney Holloway
Legislative Office, 119 C Street SE, Washington, DC 20003
Phone: 202.547.2991 • Fax: 202.547.2992

